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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
August 2, 2007.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Heavenly Father, may everything that we do bring consolation, security, and hope to Your people. By Your holy inspiration, this Nation has begun the good work of justice and freedom with government by the people.

In these days, let us continue to be a stronghold of God-fearing people who fashion law and policy not out of expediency or self-interest, but on firm principles that will strengthen personal virtue, assure tranquility, and serve the common good of all in the Nation.

For we believe, in serving Your people with dedication and personal integrity, we serve You, Almighty God, and give You glory 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. POE. 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. POE. 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The point of no quorum is considered withdrawn.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 New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side.

110TH CONGRESS DELIVERS CHANGE AND A NEW DIRECTION

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

Mr. KAGEN. Mr. Speaker, last November, people in Wisconsin and all across America asked for a positive change and a new direction, and the Democratically led 110th Congress has delivered.

We have been working hard to build a better nation by forcing Congress to be fiscally responsible, by increasing the minimum wage, and enhancing our security with the enactment of the 9/11 Commission recommendations.

We've cut costs for higher education. We've increased veterans' benefits, and in Wisconsin, we saved SeniorCare, the best prescription drug plan in America. And yesterday, we passed legislation to guarantee access to health care for our elders and for those among us who need it most, our children.

And next, forward-thinking Democrats will guide us towards energy independence and confront global climate change. There is hope again all across America. We are headed in a positive and fiscally responsible direction.

THIRD WORLD WAR

(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, last week, General Jack Keane, a retired four-star general and former Vice Chief of Staff of the United States Army, urged the Armed Services Committee to ''find the courage that our troops display so openly, to deserve their honorable and selfless sacrifice, and to not squander their sacrifices and the gains they have made.''

General Keane reviewed that the counteroffensive led by General David Petraeus is reducing sectarian violence. Sunnis are rejecting al Qaeda, and more Iraqis are working with our troops.

Osama bin Laden has described Iraq, quote, ''The most important and serious issue today for the whole world is this third world war. It is raging in the land of the two rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate.''

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We must have resolve to stop our enemies and support our brave troops who are fighting to defend our freedom and protect American families.

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

AMERICA NEEDS A PLAN TO PROVIDE FOR CONTINUITY OF GOVERNMENT

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

Mr. DEFAZIO. Most Americans would agree that it would be prudent to have a plan to provide for the continuity of government and the rule of law in case of a devastating terrorist attack or natural disaster, a plan to provide for the cooperation, the coordination and continued functioning of all three branches of the government.

The Bush administration tells us they have such a plan. They have introduced a little sketchy public version that is clearly inadequate and doesn't really tell us what they have in mind, but they said, don't worry; there's a detailed classified version. But now they've denied the entire Homeland Security Committee of the United States House of Representatives access to their so-called detailed plan to provide for continuity of government. They say, trust us. Trust us, the people who brought us Katrina, to be competent in the face of a disaster? Trust us, the people who brought us warrantless wiretapping and other excesses eroding our civil liberties? Trust us?

Maybe the plan just really doesn't exist and that's why they won't show it to us. I don't know. Or maybe there's something there that's outrageous. The American people need their elected representatives to review this plan for the continuity of government.

MORE GOVERNMENT CONTROL OF OUR LIVES

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

Mr. POE. Mr. Speaker, our path to energy independence is anything but that. We have become more energy dependent on foreign governments, and our own government continues to find new ways to control our lives regarding energy use. The government is in the toilet bowl control business. Now toilets must meet strict Federal regulations, but these expensive toilets must be flushed more than once to be effective.

The government now polices our washing machines. But new regulations that limit water usage are so ineffective with these new gizmos that Consumer Reports states the government machines don't get dirty clothes clean unless they're washed multiple times. So much for saving energy.

And now the government is in the light bulb police business, requiring expensive new bulbs to be used that are only made, ironically, in China. Instead of finding new ways to punish and police Americans for using energy, we should find new efficient sources of more energy.

I doubt if our forefathers fought for independence at Valley Forge just to give us an all-controlling government that demands how citizens use washing machines, light bulbs and toilet bowls.

And that's just the way it is.

IN SUPPORT OF H.R. 3162

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

Mr. SIRES. Mr. Speaker, I rise proudly this morning to tell this Nation and the children of the State of New Jersey that this House has heard their call for help.

Yesterday's passage of H.R. 3162, the Children's Health and Medicare Protection Act of 2007, was a significant achievement for the children of working Americans throughout this country. In New Jersey alone, this legislation will maintain coverage for over 120,000 children currently enrolled in New Jersey's FamilyCare program, while also helping the State provide care for the 136,000 children currently eligible for the program but not enrolled in it. The New Jersey FamilyCare program would also be allowed to extend coverage to 126,000 young men and women who are aging out of the program but still need access to health care.

I am especially glad that the CHAMP Act will also help 80,000 of the lowest income and most wonderful adults in my State keep their coverage through this program.

Mr. Speaker, the SCHIP program that we passed yesterday has the potential to have a significant impact on improving children's health care across this Nation.

''HOLD-ON-TO-YOUR-WALLET'' CONGRESS

(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 this morning to speak about the Ag approps bill that is going to come before us, and the culture of tax and spend that is just running unabated in this House.

And why should we expect the Ag approps bill to be any different? Well, of course it is not any different. It is going to be more of the same; it is going to be more of the same tax and spend.

And again we see a piece of legislation that is spending more than what the President requested, which many of us think was too much in the first place; 5.6 percent more than the President requested and 5.9 percent more than last year. You know what, Mr. Speaker? There are a lot of Americans that would like to see a 5.9 percent increase in their paycheck.

It is time for this House to get its fiscal house in order. It is time for the liberal left to stop spending the taxpayer's money. This is the ''Hold-On-To-Your-Wallet'' Congress. They're proving it every single day.

RENEWABLE PORTFOLIO STANDARD FOR AMERICA

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

Mr. INSLEE. Mr. Speaker, on May 9, 1961, John F. Kennedy stood behind me and said that the U.S. was going to put a man on the moon in 10 years. That was very ambitious, but we did it. And we're going to have a similar moment of goal setting and aspirations and vision tomorrow when we vote to adopt a renewable portfolio standard for America, where we will guarantee Americans that we will have 15 percent of our electricity coming from clean, renewable sources by the year 2020.

This is something we know we can do; States are doing it, whole nations in Europe have over 20 percent clean, renewable energy today. And we should follow the spirit of Oak Ridge, Texas, which 2 months ago became the first city in the United States to have all their electricity from clean, renewable, 100 percent biodiesel. This is something the States can do for a variety of reasons. Let's have another ''Apollo-John F. Kennedy'' moment tomorrow when we pass the renewable portfolio standard.

EXPRESSING SYMPATHY FOR MINNESOTA TRAGEDY

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

Mr. AL GREEN of Texas. Mr. Speaker, the people of Minnesota and, indeed, the people of this country have suffered a great tragedy. And I think this is one of the few times when I can say that I speak for all of the Members of the House when I say that our sympathies and our desire to be of assistance is with them. We want them to know that they are not alone in this moment of tragedy.

I also want to say this, Mr. Speaker. Yesterday, the House voted 225–204 to provide a health care safety net for the children in this country. This will help the children in the State of Texas, where I happen to represent the Ninth Congressional District, and we have the largest portion of uninsured children in the entire Nation.

This is the safety net that children need. Children don't decide where they're born and to what families they come. Children need health care. This will help Texas to do what it should have done when it lost $830 million to

other States because it didn't spend CHIP funds.

Mr. Speaker, I'm grateful to the Members who voted to help children, 11 million in this country who are uninsured. I thank each of you. And our sympathies are with the people of Minnesota.

CHAMP ACT AND DEMOCRATIC EFFORTS TO ENSURE MORE CHILDREN HAVE ACCESS TO HEALTH INSURANCE

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

Mr. JOHNSON of Georgia. Mr. Speaker, yesterday the House approved the CHAMP Act, a comprehensive health care bill that sustains and strengthens both the Children's Health Insurance Program and Medicare. In one bill, we are insuring quality health care coverage for America's seniors and children.

Under the CHAMP Act, the nonpartisan Congressional Budget Office estimates that 5 million children will gain health care coverage through the SCHIP program. Any time when the number of uninsured children is increasing, Congress should do everything in its power to provide health care services to more children.

The CHAMP Act strengthens the CHIP program so that we finally reach nearly every child who is eligible for health insurance. The CHAMP Act will also take care of seniors by protecting Medicare beneficiaries' access to their physicians, providing new preventive benefits, expanding programs, and assisting low-income seniors with out-of-pocket costs, and protecting rural communities' access to health care.

Mr. Speaker, by supporting the CHAMP Act, this House showed its commitment to assist this Nation's two most vulnerable groups, our children and our seniors.

PROVIDING FOR CONSIDERATION OF H.R. 3159, ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 601 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3159 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I am pleased to yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

First, Mr. Speaker, this morning I want to continue to express our great sorrow to the people of Minnesota on their tragic loss. In a way, they're almost victims of war. A Nation in perpetual war does not have the money to meet its infrastructure needs. And as we heard this morning, there are bridges that are in serious condition all over the United States. So I express my great sorrow for the families who are suffering and for all the people who have been lost.

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. I thank my distinguished Chair for yielding. I would like to join her in extending the thoughts and prayers of every Member of this institution to those, I know at this moment there are families who are waiting, living with this moment with the uncertainty as to whether or not their loved ones have survived the tragedy in the Twin Cities.

□ 0920

Last night, when our colleague, Mrs. BACHMANN, stood here to report this, it came as a huge shock. I agree completely with my colleague about the need to ensure that the bridges in our country are safe and secure as we deal with these challenges.

I thank my friend for yielding.

Ms. SLAUGHTER. Thank you, Mr. DREIER.

Mr. Speaker, H. Res. 601 provides for consideration of H.R. 3159, the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, under a closed rule. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill, except those arising under clause 9 or 10 of rule XXI. The rule considers as adopted the Armed Services Committee amendment in the nature of a substitute. The rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the war in Iraq has taken us into uncharted territory as a Nation and as a society. During the Vietnam war, 4 percent of the general population served in the military. During World War II, fully 12 percent of our people served. Forms of personal sacrifice and national service were to be found everywhere, planted in victory gardens or held in war bonds. Even during the Civil War, a conflict from a different age, more than one in ten Americans fought.

Never in our history has America fought a war of this magnitude, or one that is this difficult, with an entirely voluntary military force composed of only 1 percent of the general population. And while so much of what is going on in Iraq hearkens back to past conflicts, what is occurring within our society does not.

It is true that the historically high percentage of National Guard troops fighting abroad has spread the reach of this war farther than some anticipated. But for nearly all Americans the immediacy of the war has been dulled by distance. We have never been asked to sacrifice as people. We have, instead, been told to go about our lives as usual and ask merely to support the troops in a vague sense.

Within this mass of normality lies the lives of those Americans who have actually fought in Iraq, the mothers, husbands, sons, daughters and siblings who have been sent there and who have seen things that few of us can relate to or even imagine. They have been asked to fight in a conflict whose architects have largely receded from the public view, but not before the failures of these officials made themselves felt every time a soldier was forced to enter a battle without proper body armor or without a vehicle that would keep him or her safe. In a very real sense, the families of these soldiers have been asked to endure the same reality and forced to live every moment of their deployment with the fear that their loved one will be injured, or worse.

Despite it all, despite everything that the members of our military and their families have been asked to bear for year after year, the talk of what is to be done in Iraq is often clinical: We should increase troop numbers; we should lower them; we should place more troops here, send more troops

there. Troops are spoken of as if they were simply another machine to be moved about and to be used at our will.

Our soldiers are human beings. They are our fellow citizens. They have dignity. They have rights. They do not deserve to be cast around as the administration stumbles forward seeking to find a solution to a problem of its own creation.

Already, a flawed war plan has forced the members of our military to endure not just the brunt of battle but also to make up for miscalculation at home. Tours have been extended and then extended again in an unprecedented way. Previously unknown burdens have been placed on our men and women in uniform as a result. At a certain point, we as a society have to say enough is enough.

The legislation before us is supported by men like Senator JIM WEBB and Representative JOHN MURTHA for a reason: Former soldiers know what current deployment schedules are doing to our soldiers and to their families. It will restore some order to the process by prohibiting the deployment of any active military unit to Iraq unless that unit's soldiers have rested for at least as long as they have fought. It is a simple premise that was followed in virtually every war America has fought. It should be followed again today.

Mr. Speaker, this bill should not tie the hands of generals. If national security or the safety of our troops would be put at risk by shortened deployment, the bill's requirements can be waived. But the President will have to do so publicly and certify to Congress that his decision is vitally important. With everything our soldiers are asked to do, it is long past time that the President was forced to explain to Congress and to the American people why it is all necessary.

Mr. Speaker, this bill is about who we are as a society and about the values we hold. Our fellow citizens have been sent to fight in this conflict and have asked nothing from us in return. But we certainly owe them everything. We owe them our support, not in a rhetorical sense or in blind allegiance to the administration's claims but in a real sense, by making sure that they are given the proper training and armor, by making sure they are allowed to rest for an adequate amount of time between deployments.

Mr. Speaker, we have a chance to live up to our responsibilities as a people today. I hope this body is ready to face that challenge.

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

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

I would like to thank my very good friend from Rochester, New York (Ms. SLAUGHTER), the very distinguished Chair of the Committee on Rules, for yielding me this time. I am compelled to rise in the strongest possible opposition to this rule and the underlying legislation. Once again, the Democratic majority is running scared from openness and transparency because they know that their policies cannot withstand any scrutiny. They have shut off all meaningful debate, amendments and alternatives.

Mr. Speaker, I will say that no matter how intense, no matter how bitter, no matter how hate-filled the vitriol is that comes towards us, I will continue to strive to work in a bipartisan way to deal with this very important issue and other issues as well.

I think we evidenced that last night when we offered an amendment in the Rules Committee that would have allowed the Members of this body to replace this proposal with one that actually enjoys strong, bipartisan support. I am referring, of course, to the Iraq Study Group recommendations, the so-called Baker-Hamilton Commission.

This group spent literally months, Democrats and Republicans together. A former Member of this house as the Democratic leader, the former Secretary of State, James Baker, as the Republican leader, and an equal number of Republicans and an equal number of Democrats came up with bipartisan recommendations as to how we, as a Nation, could move forward.

Knowing that this sound and very responsible policy would very easily trump the inferior proposal that my colleagues on the other side of the aisle are hoping to move on the floor today, they took the only route that they seem to know, and they have a great deal of experience at this, Mr. Speaker. They just shut down the process completely.

They seemed to know, Mr. Speaker, that, unfortunately, this very thoughtful work product, which is not supported by everyone, but it enjoys strong bipartisan support. Again, our former colleague, the very respected former Chair of the Committee on Foreign Affairs it is now called, it was the International Relations Committee and Foreign Affairs Committee before that, Mr. Hamilton, and the highly regarded Secretary of State, James Baker, came up with this package.

And what is it our colleagues did? With a very passionate statement made by our friend from Virginia, my classmate, Mr. FRANK WOLF, who was really the progenitor of this Iraq Study Group, working with a wide range of people to come up with just the establishment of the group, and now this work product has come forward, heralded by people all across this country, and what is it that they have done? They have chosen to take this inferior proposal and say, we are not going to even allow consideration of the Iraq Study Group.

Now, having precluded any real debate, they have nothing to fall back on but really cheap political ploys. The announcement was made several weeks ago that every single week leading up to Congress' adjournment for the month of August, we would have votes on Iraq.

One of the Democratic majority's favorite gimmicks is to give their ill-conceived bills grand-sounding names and shroud them in warm, fuzzy ideas that no one could possibly oppose.

Earlier this week, they rammed through the House is a massive giveaway to trial lawyers. And what was it called? The anti-discrimination bill.

Just yesterday, we considered a bill that slashes Medicare coverage for millions. What was it called, Mr. Speaker? The Children's Health and Medicare Protection Act. The audacity of cutting Medicare with a bill that has ''Medicare protection'' right in the title is, to me, absolutely staggering.

Now, Mr. Speaker, I am proud that we, as Republicans, worked to address important issues with prudence and deliberation, issues that affect the quality of life and standard of living for all Americans. Unfortunately, my colleagues on the other side, we will witness it in just a few minutes once again, they resort to demagoguery and name calling and all kinds of other vitriol.

When we refuse to be suckered by their slipshod efforts and poor policies, they accuse us of being pro-discrimination, or anti-children's health, or any other awful-sounding label that they can come up with. They will make some great and fascinating political ads. As this season goes on, we will see some of them on YouTube, I am sure, and other places. And if you look at these votes on discrimination and on the issue of Medicare and children's healthcare, obviously, we will be hearing a lot about the things that have been done here on the House floor during the campaign season, which obviously is under way right now.

They will no doubt continue with this tired approach here today. We are going to hear about how the underlying bill before us today is about ''troop welfare.'' We are going to hear about the ''terrible strain'' the war in Iraq has put on the members of our Armed Forces and their families.

I want to make sure it is absolutely clear that we are all, all, very concerned, Mr. Speaker, about the welfare of our troops. It is a bipartisan concern, and anyone who would argue that we are somehow not concerned about the welfare of our troops is barking up the wrong tree. We see with sobering clarity, Mr. Speaker, the magnitude the impact the war has on their families. No American deserves more support than those who put their lives on the line to protect each and every one of us, and no one is more determined to fulfill our commitment to these men and women than my Republican colleagues and I are.

That is precisely, precisely, Mr. Speaker, why I stand in opposition to both this rule and the underlying legislation. The Democratic majority can slap any old bill together and say it promotes troop welfare. But, Mr. Speaker, that does not make it so. And they can slap any old bill together and

accuse its opponents of undermining troop welfare. But that doesn't make it so.

The reality is that this bill undermines our military leadership, who are already committed to the welfare of our troops and their families. And to imply in any way that our Nation's civilian and military leadership is not committed to the welfare of our troops and their families is again a very specious argument.

The reality is that this bill undermines our military leadership who are committed to the troops; and, in fact, it opens up the potential to force troops to stay in the field longer, handle missions for which they are not prepared, and ultimately create greater risks for our men and women who are in harm's way.

Mr. Speaker, our Armed Forces are already working toward the goal of ensuring that every servicemember spends 2 years at home after each year in the field, and that Reservists get 5 years at home after each 1 year of deployment.

Mr. Speaker, the Marine Corps is already providing what this bill would mandate, time at home at least equal to time deployed. The Commandant of the Marine Corps must approve any deviation from this policy.

Let me say once again, Mr. Speaker, I don't understand why it is that we are here dealing with this issue when we could in fact pass the recommendations of the Iraq Study Group. We instead are doing something that the Marine Corps is doing right now. Again, the Commandant of the Marine Corps would have to approve any deviation from this policy.

What this bill does is to remove any flexibility that allows our military leaders to make deployment decisions that best provide for both troop welfare and, Mr. Speaker, something that we never hear discussed from our colleagues on the other side the aisle, and that is mission completion, completing our mission, making sure that we have success and victory. It adds another layer of bureaucratic red tape. Ironically, and tragically, it could actually force our commanders in the field to extend deployments and force our troops to take on missions for which they are not fully prepared.

Mr. Speaker, preventing our commanders from being able to task each unit to take on the mission for which it is best prepared and best trained would needlessly risk the lives of our troops.

I know that we all want the ultimate desire of every member of our armed services: that they be speedily and, as I said a moment ago, victoriously returned to the loving arms of their families and the accolades of a grateful Nation. But, Mr. Speaker, this bill is not, this bill is not the way to ensure that.

The Democratic majority can keep playing these games. They can continue to claim that this bill will improve the quality of life of our troops and their families. They can continue to accuse its opponents of callousness and indifference to servicemen and servicewomen. But I don't believe the American people will be fooled, Mr. Speaker. They are quite capable of seeing past clever bill titles and phony rhetoric.

This Democratic majority has got to learn that it takes more than demagoguery to lead this body and to lead this country.

Mr. Speaker, I urge my colleagues to oppose this rule, as well as the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), whose compassion and conviction on this issue is probably unsurpassed in the House.

Mr. MCGOVERN. I thank the distinguished chairwoman of the Rules Committee for yielding me the time.

Mr. Speaker, H.R. 3159 is a very straightforward bill with a very straightforward message. Like its name implies, this is a bill to ensure that our military is ready to carry out combat and combat-related missions by having a stable, predictable deployment policy.

H.R. 3159 would require that our uniformed men and women, our military units, receive minimum periods of rest and recuperation between their deployments to Iraq. We have been hearing for over a year now about the strain on our active duty, Reserve and Guard units caused by multiple redeployments to Iraq and the ever-shrinking time at home provided by many units between deployments.

So why did this legislation work its way through the Armed Services Committee at this time? There is a very simple reason, Mr. Speaker, why this bill is so timely now. On May 9, Secretary of Defense Robert Gates announced a change to deployment policy. Secretary Gates changed the current policy for active Army units from 1 year at home for 1 year deployed to a policy of 15 months deployed for every 12 months at home.

Mr. Speaker, this is a change that is moving in the wrong direction. Rather than taking care of our troops, this change increases the stress and strain on our servicemen and servicewomen. This change has raised serious concerns about the sustainability and readiness of our active duty Army and whether such a reduced period at their home bases allows sufficient time for units and individuals to adequately train, equip, recover and reconstitute for the next deployment.

If anyone in this Chamber is not concerned about the physical, mental, emotional and logistical strain placed on every combat unit and individual subject to multiple deployments to Iraq, then I hope they will stand up during this debate.

□ 0940

We hear a lot of talk in this House about ''supporting the troops.'' Only a handful of Members in this body have had to lay it on the line in Iraq. Only a handful had to bid their families farewell and face combat in Iraq.

For the rest of us, there is no sacrifice, no strain, no stress placed on us personally or on our families and loved ones.

Well, here is our chance to show that we genuinely do understand what we have been asking our troops to do in Iraq, that we genuinely do understand the toll that it takes on each of them individually, as a unit and as a service, that we genuinely do understand the sacrifice that we ask of their families, and that we will require the Pentagon to provide our uniformed men and women a minimum amount of time to recover from combat to reconnect with their families and to prepare again for a return to battle.

There are some in this Chamber who will yelp and yowl that this is just a ploy to end the war.

Mr. Speaker, as someone who is clearly on record as wanting to end this war as quickly as humanly possible, I can testify that this is not the case.

I opposed this war with every fiber of my being, but I strongly believe that for as long as this war endures, the bare minimum this Congress must do is take care of the troops who carry out this mission and make sure this war does not shatter our military from the strain of multiple deployments.

I urge my colleagues to support the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, as one who joins with my colleague from Worcester in stating that we all want to see this war end as quickly as we possibly can, and we want to see this mission be victorious, I am happy to yield 2 minutes to the former Governor of Delaware (Mr. CASTLE) who offered a very thoughtful amendment in the Committee on Rules.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman for yielding.

I do rise in opposition to what I consider to be a closed rule. I do support the underlying bill, but I object to the leadership's decision to prevent any substantive debate.

I offered an amendment yesterday that would have credited soldiers with one additional day of leave for every month that they are deployed in a combat zone. All members of the Armed Forces, including those serving the Guard and Reserve, receive 2½ days of leave time per month, regardless whether they are deployed in Iraq or back in the U.S. at their home base.

I developed this legislation, an extra day per month, not from anything out of my mind but in correspondence with a soldier who had been in the combat zone. We feel very strongly that spending time with family and loved ones after returning from deployment is essential to a soldier's mental health,

and that is why I prepared the amendment and introduced it.

We think that it is small step to help the troops, but this amendment was denied in the rule. For that reason, I oppose the rule as we have it.

But I am also very disappointed that this House continues to prevent consideration of the Iraq Study Group Recommendations Implementation Act. They are now getting close to 60 Members, almost evenly divided between Republicans and Democrats, who support the concepts in this.

My decision is that the time has come to have the discussion of the Iraq Study Group's recommendations on the floor of the House of Representatives, and I hope that can happen sooner rather than later.

Mr. DREIER. Would the gentleman yield?

Mr. CASTLE. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding, and I would like to congratulate him not only for his amendment, but also for the comments that the former Governor of Delaware has just offered on the work of the Iraq Study Group.

Again, this was a bipartisan effort that was launched by the gentleman from Virginia (Mr. WOLF), who, as we all know, speaks passionately and eloquently on this and other issues.

We all want to see this war come to an end. President Bush stood right here in this Chamber in January delivering his State of the Union message, and he said the following: I wish this war was over and we had won.

So there is a shared goal of our trying to bring this war to an end as quickly as possible and to bring our men and women home to their families.

Frankly, I join my colleague from Delaware in stating that I believe that the opportunity for implementation, if not all, most of the work of the Iraq Study Group, this great bipartisan gathering, would go a long way towards achieving that goal to which both Democrats and Republicans claim to aspire.

So I would just like to thank my friend for his remarks, and I thank him for yielding to me.

Mr. CASTLE. In closing, I think both of these amendments are extremely important. I sometimes understand the writing on the wall when it comes to votes on rules, but I would hope that we in this House would consider the amendment that I put forward on the extra day leave in the Iraq Study Group recommendations sooner rather than later. I think it is an important way to move towards actually ending the war.

So I oppose the rule and urge Members to vote against the rule.

Mr. Speaker, I rise in opposition to this closed rule.

While Members of this body will have differing views regarding the U.S. policy in Iraq and Afghanistan, we can all agree that the American soldiers who have been deployed into these combat zones have bravely risked their lives in the service of their Nation. These men and women have done everything we have asked of them, and as we all know, many returning soldiers experience some form of post-traumatic stress.

Under the current Pentagon policies, all members of the Armed Forces, including those serving in the Guard and Reserve, receive 2.5 days of leave time per month—regardless of whether they are deployed in Iraq or back in the U.S. at their home base. My amendment would have simply credited soldiers 1 additional day of leave time for every month that they are deployed in a combat zone. For example, if a soldier serves 12 months in Baghdad, that soldier would be credited 12 additional days of leave to be used when he or she returns stateside.

Although I am obviously the sponsor of this amendment, I cannot take credit for the idea. My staff developed this legislation after talking with a soldier who as we speak is deployed in a combat zone. Corresponding via e-mail, this soldier shared his experiences in combat and offered his opinion that many of the troops returning home after a deployment would benefit from being credited with additional leave time based on the number of months they served in a combat zone. This soldier noted that the opportunity to spend some time away from military life once returning stateside would be important in terms of both mental and physical recovery.

In fact, the Director of the U.S. Army Medical Command's Office for Behavioral Health has stated that 15 to 30 percent of troops returning home from combat experience post-traumatic stress or other mental health symptoms. While the Army Medical Command notes that this is not unusual after combat, it underscores that in addition to receiving treatment, it is critical for soldiers returning home from a combat zone to "spend time with family," "avoid a busy schedule," and "resume family routines" as soon as possible.

It is clear that my amendment would not solve every problem that troops face when they return stateside. Receiving appropriate diagnosis and treatment is also vital in dealing with post-traumatic stress. And this amendment is not meant to diminish the efforts of our military leaders to provide care for soldiers once they return to the U.S. The Army's Medical Command and its corresponding services have in many cases gone above and beyond the call of duty to diagnose, treat, and prevent post-traumatic stress disorder. Still, in many cases spending time away from military life and reconnecting with friends and family is the best way for individuals to prepare to resume their service in the military.

Mr. Chairman, my amendment recognizes the difficulties faced by soldiers who serve time in a combat zone and would assist them in their homecoming by providing additional leave time to help improve their transition. The men and women who have sacrificed so much to serve our Nation in combat have earned this additional time to spend with their loved ones. Unfortunately the rule before us prevented any substantive debate, including debate on my important amendment.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any other speakers?

Mr. DREIER. May I inquire of the Chair how much time remains on each side.

The SPEAKER pro tempore. The gentleman from California has 16½ minutes remaining, and the gentlewoman from New York has 19½ minutes remaining.

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

Mr. DREIER. Mr. Speaker, I am very happy to yield 3 minutes to my very good friend from Morristown, New Jersey, who is a hardworking member of the House Committee on Appropriations, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

While I support the military goals of this legislation, all of us do, I rise in opposition to this rule and this bill. We all want to see the dwell times for our troops expanded to meet Department of Defense standards, but this legislation would place handcuffs on our military commanders as they work to stabilize Iraq.

My colleagues, in many senses this is a political document, pure and simple. The dwell time requirements appear to be not so much efforts to improve the readiness of units and quality of life of servicemembers in our Armed Forces; rather, these requirements are designed to force a withdrawal and reduction of U.S. forces committed to Operation Iraqi Freedom.

The proof: This bill slaps deployment prohibitions only on forces destined for Iraq, but would allow those very same forces, regardless of dwell time, to be committed to combat in Afghanistan or anywhere else in the world where they might be needed.

Over the past few weeks, we have heard Members of the majority speak with varying levels of clarity about their plans to ''end the war'' or ''bring the troops home.'' Of course, we all desire to bring the troops home. One even proclaimed the ''war is lost.''

But that is not the message we are hearing from Iraq today. Both General Petraeus and General Odierno have stated that initial assessments of the new strategy are encouraging as the Iraqi Army is taking a much more prominent role in the fighting.

In recent days, many of us have read the op-ed in the New York Times written by two self-described critics of the war effort. From John Burns, Baghdad bureau chief, New York Times: ''I think there's no doubt that those extra 30,000 American troops are making a difference. They are definitely making a difference in Baghdad.''

And from USA Today, ''Coalition forces have uncovered more insurgent weapons caches in the first 6 months of this year than the entire previous year.''

Mr. Speaker, we have seen an increase in security, a decrease in killing, fewer car bombs, lower levels of civilian casualties; all good things. And what is this House's response to this demonstrable progress? They would

offer legislation that would hamstring and handcuff our military commanders, short-circuit the training of Iraqi soldiers, and endanger further security progress.

Mr. Speaker, I have always said that I want our war fighters' deployments to be short and as safe as possible. I do want our troops out of Iraq and Afghanistan, and anywhere in the world where they are in harm's way, soon. But this is not the way to do it.

I rise in opposition to this, the rule, and to this type of thinking that endangers not only our soldiers but endangers the civilians that we are there to help.

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

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 5 minutes to my good friend from Bridgeport, Connecticut (Mr. SHAYS), who next weekend will be making his 18th trip to Iraq. I know he shares my concern over the fact that, unfortunately, this rule fails to allow this House to consider the work of the bipartisan Iraq Study Group.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a closed rule. It is a continuation of closed rules on an issue that should be a very open. We went into Iraq on a bipartisan basis; that cannot be denied. Two-thirds of the House voted to go into Iraq, three-quarters of the Senate voted to go into Iraq.

The Senate is allowing open debate on the issue of Iraq. There was the Webb-Hagel amendment, which is basically this underlying bill. There was the Hagel-Levin amendment, which talked about troops not being sent in for more than 12 months if they are in the Army and 7 months if they are in the Marines. That was an amendment I would have liked to have introduced to this bill. Why couldn't we have had a debate on it? If it doesn't make sense, and there would have been a number on my side of the aisle who would have voted against it, it would have defeated it. But we would have started to have some dialogue about the condition of our troops. That would be a healthy thing to have.

But the most important amendment that was presented was the effort by Mr. WOLF to have support for the Iraq Study Group. The thing that is astonishing is, when we voted about the Iraq Study Group a few weeks ago, only 69 Members in the Chamber voted against it, but it was attached to an appropriation. And being attached to an appropriation, we can't get the Senate to act until Lord knows when, probably after October when we are supposed to have our budgets done. We need another vehicle.

Mr. DREIER. Will the gentleman yield?

Mr. SHAYS. Absolutely.

Mr. DREIER. I thank the gentleman for yielding, Mr. Speaker.

I will say again that it really baffles me as to why this majority will not allow us to have an opportunity to consider this bipartisan work product of the Iraq Study Group.

On the opening day, Mr. Speaker, the new Speaker of the House of Representatives stood and talked about this new sense of bipartisanship. We all know that the war in Iraq was the key issue in the November election. We know that the war in Iraq was the key issue in last November's election, and it is on the minds of all of our constituents. We are all concerned about the future that this war on terror holds for all of us, and that's why the Iraq Study Group was established.

Our former colleague, the former chairman of the Committee on Foreign Affairs, Lee Hamilton, the former Secretary of State, a Democrat and Republican led eight other Democrats and Republicans, highly regarded in this country, strongly partisan individuals, they came together with a bipartisan proposal. Unfortunately, the supposedly new bipartisan spirit that exists here in the House denies us a chance to even consider that.

No one demonstrates more passion on this issue than Mr. WOLF. When he made the arguments before the Rules Committee, they were very compelling and very strong as only FRANK WOLF can offer them. Unfortunately, Mr. Speaker, we have not seen a chance to do that.

Mr. SHAYS. I thank the gentleman for making this point. The bottom line is: In this Chamber, only 69 Members voted against having the Iraq Study Group revisit Iraq so they could come out with a report that could complement, either agree with or disagree with, what General Petraeus and Ambassador Crocker are going to conclude.

It seems to me it would be in the best interest of both Republicans and Democrats to find areas where we can agree, where we can work together. I cannot, for the life of me, understand why this Democratic Congress is opposed to bringing the Iraq Study Group up for a vote.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I do so to say that just this week we all saw a great deal of attention focused on an op-ed piece written in the New York Times by two of the harshest critics of the war in Iraq. I am referring, of course, to the Brookings Institution Fellows Michael O'Hanlon and Kenneth Pollack. And I saw Ken Pollack with Wolf Blitzer on CNN the other day saying he did not write the headline in the New York Times which talked about this is a war we might win. He did stand by every word in that piece that was written, and I am going to ask to include that piece in the CONGRESSIONAL RECORD.

[From the New York Times, July 30, 2007]

A WAR WE JUST MIGHT WIN

(By Michael E. O'Hanlon and Kenneth M. Pollack)

WASHINGTON.—Viewed from Iraq, where we just spent eight days meeting with American and Iraqi military and civilian personnel, the political debate in Washington is surreal. The Bush administration has over four years lost essentially all credibility. Yet now the administration's critics, in part as a result, seem unaware of the significant changes taking place.

Here is the most important thing Americans need to understand: We are finally getting somewhere in Iraq, at least in military terms. As two analysts who have harshly criticized the Bush administration's miserable handling of Iraq, we were surprised by the gains we saw and the potential to produce not necessarily ''victory'' but a sustainable stability that both we and the Iraqis could live with.

After the furnace-like heat, the first thing you notice when you land in Baghdad is the morale of our troops. In previous trips to Iraq we often found American troops angry and frustrated—many sensed they had the wrong strategy, were using the wrong tactics and were risking their lives in pursuit of an approach that could not work.

Today, morale is high. The soldiers and marines told us they feel that they now have a superb commander in Gen. David Petraeus; they are confident in his strategy, they see real results, and they feel now they have the numbers needed to make a real difference.

Everywhere, Army and Marine units were focused on securing the Iraqi population, working with Iraqi security units, creating new political and economic arrangements at the local level and providing basic services—electricity, fuel, clean water and sanitation—to the people. Yet in each place, operations had been appropriately tailored to the specific needs of the community. As a result, civilian fatality rates are down roughly a third since the surge began—though they remain very high, underscoring how much more still needs to be done.

In Ramadi, for example, we talked with an outstanding Marine captain whose company was living in harmony in a complex with a (largely Sunni) Iraqi police company and a (largely Shiite) Iraqi Army unit. He and his men had built an Arab-style living room, where he met with the local Sunni sheiks—all formerly allies of Al Qaeda and other jihadist groups—who were now competing to secure his friendship.

In Baghdad's Ghazaliya neighborhood, which has seen some of the worst sectarian combat, we walked a street slowly coming back to life with stores and shoppers. The Sunni residents were unhappy with the nearby police checkpoint, where Shiite officers reportedly abused them, but they seemed genuinely happy with the American soldiers and a mostly Kurdish Iraqi Army company patrolling the street. The local Sunni militia even had agreed to confine itself to its compound once the Americans and Iraqi units arrived.

We traveled to the northern cities of Tal Afar and Mosul. This is an ethnically rich area, with large numbers of Sunni Arabs, Kurds and Turkmens. American troop levels in both cities now number only in the hundreds because the Iraqis have stepped up to the plate. Reliable police officers man the checkpoints in the cities, while Iraqi Army troops cover the countryside. A local mayor told us his greatest fear was an overly rapid American departure from Iraq. All across the country, the dependability of Iraqi security forces over the long term remains a major question mark.

But for now, things look much better than before. American advisers told us that many of the corrupt and sectarian Iraqi commanders who once infested the force have been removed. The American high command assesses that more than three-quarters of the Iraqi Army battalion commanders in

Baghdad are now reliable partners (at least for as long as American forces remain in Iraq).

In addition, far more Iraqi units are well integrated in terms of ethnicity and religion. The Iraqi Army's highly effective Third Infantry Division started out as overwhelmingly Kurdish in 2005. Today, it is 45 percent Shiite, 28 percent Kurdish, and 27 percent Sunni Arab.

In the past, few Iraqi units could do more than provide a few ''jundis'' (soldiers) to put a thin Iraqi face on largely American operations. Today, in only a few sectors did we find American commanders complaining that their Iraqi formations were useless—something that was the rule, not the exception, on a previous trip to Iraq in late 2005.

The additional American military formations brought in as part of the surge, General Petraeus's determination to hold areas until they are truly secure before redeploying units, and the increasing competence of the Iraqis has had another critical effect: no more whack-a-mole, with insurgents popping back up after the Americans leave.

In war, sometimes it's important to pick the right adversary, and in Iraq we seem to have done so. A major factor in the sudden change in American fortunes has been the outpouring of popular animus against Al Qaeda and other Salafist groups, as well as (to a lesser extent) against Moktada al-Sadr's Mahdi Army.

These groups have tried to impose Shariah law, brutalized average Iraqis to keep them in line, killed important local leaders and seized young women to marry off to their loyalists. The result has been that in the last six months Iraqis have begun to turn on the extremists and turn to the Americans for security and help. The most important and best-known example of this is in Anbar Province, which in less than six months has gone from the worst part of Iraq to the best (outside the Kurdish areas). Today the Sunni sheiks there are close to crippling Al Qaeda and its Salafist allies. Just a few months ago, American marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor.

Another surprise was how well the coalition's new Embedded Provincial Reconstruction Teams are working. Wherever we found a fully staffed team, we also found local Iraqi leaders and businessmen cooperating with it to revive the local economy and build new political structures. Although much more needs to be done to create jobs, a new emphasis on microloans and small-scale projects was having some success where the previous aid programs often built white elephants.

In some places where we have failed to provide the civilian manpower to fill out the reconstruction teams, the surge has still allowed the military to fashion its own advisory groups from battalion, brigade and division staffs. We talked to dozens of military officers who before the war had known little about governance or business but were now ably immersing themselves in projects to provide the average Iraqi with a decent life.

Outside Baghdad, one of the biggest factors in the progress so far has been the efforts to decentralize power to the provinces and local governments. But more must be done. For example, the Iraqi National Police, which are controlled by the Interior Ministry, remain mostly a disaster. In response, many towns and neighborhoods are standing up local police forces, which generally prove more effective, less corrupt and less sectarian. The coalition has to force the warlords in Baghdad to allow the creation of neutral security forces beyond their control.

In the end, the situation in Iraq remains grave. In particular, we still face huge hurdles on the political front. Iraqi politicians of all stripes continue to dawdle and maneuver for position against one another when major steps towards reconciliation—or at least accommodation—are needed. This cannot continue indefinitely. Otherwise, once we begin to downsize, important communities may not feel committed to the status quo, and Iraqi security forces may splinter along ethnic and religious lines.

How much longer should American troops keep fighting and dying to build a new Iraq while Iraqi leaders fail to do their part? And how much longer can we wear down our forces in this mission? These haunting questions underscore the reality that the surge cannot go on forever. But there is enough good happening on the battlefields of Iraq today that Congress should plan on sustaining the effort at least into 2008.

I will say that as one reads the O'Hanlon-Pollack article, it is clear that there are many very important challenges that lie ahead in Iraq. But the fact that we have seen a quelling of the violence in the al-Anbar Province, as we look at the difficulty that we face, but the fact that we've seen Sunni leaders unite with us in fighting al Qaeda, we, I believe, are making progress.

War is a very, very ugly thing, and this war is no exception. No one can say exactly what the outcome will be, but I do know that the cause of freedom is worth fighting for, and I do know that these constant attempts to prevent this House from looking at, working on, and considering the work of the Iraq Study Group, the bipartisan work product of the Iraq Study Group, is just plain wrong, so I am going to continue to strongly oppose this rule and these continued efforts to politicize our quest for victory and bringing our troops home.

I reserve the balance of my time.

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

Mr. Speaker, despite our great respect and affection for those who brought their amendments to the Rules Committee yesterday, it is well known in this House and in the country that the Democrat majority intends to bring the war to a close as quickly as possible and as quick as it is practicable to do so.

To reinstitute the Iraq Study Committee, to refinance it, put it back together, wait for a report would take far longer than we frankly are willing to give.

But this bill before us today, the underlying bill before us, is humane. And it says, for goodness sake, don't redeploy troops over and over and over again unless they have had at least as much time at home to rest as they have had in combat.

This is a different kind of combat, Mr. Speaker. Soldiers before have always been given recreation and rest after intense combat. Not this time. The soldiers in Iraq and all the military people of Iraq face almost instantaneous death every moment of the day and night without any respite at all. We are seeing the results of that brought home with the posttraumatic stress syndrome which is rising so rapidly.

In addition to that, we are demanding at last, because we didn't have the opportunity before by not being in the majority, that these troops be equipped properly.

The New York Times said on a front page story recently that 80 percent, Mr. Speaker, of the marines that died in Iraq would have lived, those with upper body wounds would have lived with the proper equipment. How can we live with that?

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We know now that instead of sending useless Humvees that were of no use at all to them against the IEDs, if we had always sent MRAPs, a technology we have known for 30 years, heaven knows how many of the nearly 4,000 who died would have been saved and how many of the more than 30,000 who have been wounded would have been spared that.

That weighs heavily on the conscience of those of us in the House of Representatives, and it angers the people that we represent.

We've talked to the parents of those who have been sent back two, three, four times. I have talked to one father who told me as his son was being deployed for the fourth time; if he gets killed, I will kill somebody. The anguish of these parents is palpable; and, as I stated before in my earlier statement, we don't fight this war. The 1 percent of the military people and their families are fighting this war. We've been asked for no sacrifice of any kind.

How glib it is for us to stand on this floor and say, leave it to the generals and look how well they're doing. The number of generals who have resigned their commission so that they could speak out against this carnage and this despicable war that was unplanned and planned by people who have left the scene cannot go on any longer.

And I will tell you that we have to go and look families in the face, and there are a number of times that I've gone to services, and my position on the war is well-known, and I've wondered if the families, how they would accept my presence. I have never been to a single one where they didn't say to me, bring them home, bring them home.

For heaven's sake, Mr. Speaker, if it's not just for that alone, those of us here have that obligation to bring them home.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume; and I will say again to my colleagues that, as we look at this challenge, this is a very difficult one. It is one that we seek to address in a bipartisan way, Mr. Speaker, Democrats and Republicans coming together.

Now, our former colleague, Mr. Hamilton, co-chairman of the Iraq Study Group, has made it very clear that the

work product which was unleashed, turned over last December, is still applicable today. This notion of saying that we need to look at bringing this group back together, I don't have it with me here, but I have one downstairs in my office. We have the volume, the work of the Iraq Study Group, that we've all gotten copies of; and all we're asking, Mr. Speaker, is that this bipartisan work product be able to be voted on and supported here.

Now, what is it that we have before us? We have a closed rule. And I'm saddened greatly to report to the House, by virtue of this closed rule having come from the Rules Committee, reported out last night, we have by far exceeded the doubling, the doubling of the number of closed rules in this Democratic majority than we had in the Republican majority at this time at the beginning of the last Congress. It saddens me.

Again, I will say that, Mr. Speaker, while we hear about this great new day, a sense of openness, transparency, accountability, what is it that we've gotten? We may not have been perfect when we were in the majority, but under this new majority that promised all of these great things to the American people, we have gotten now more than twice as many closed rules in the first 7 months of the year than we had in the first 7 months of the 109th Congress, and I just think it's a sad commentary on where we are.

Now to the issue at hand, Mr. Speaker. As we look at the challenge that the families of those loved ones face, I would like to share the remarks of some of the families that I have heard.

There is a young man who was killed tragically in the battle of Fallujah. His name is J.P. Blecksmith from San Marino, California. His father, like J.P., was a Marine; and after his son was tragically killed, Ed Blecksmith said to me, he said, David, if we don't complete our mission in Iraq, my son J.P. will have died in vain. And he said, we need to do everything that we possibly can to ensure victory.

And I will tell you that what we're doing here today under this closed rule, I believe, creates the potential for undermining the success that, as was pointed out and as I said in my last statement, is outlined in the remarks in the article in the New York Times, the op-ed piece written by Ken Pollack and Mike O'Hanlon, and there's another statement that was made.

I met a woman just a couple of months ago. Denise Codnot is her name. She came here to Washington, and she walked into my office, Mr. Speaker, and her son Kyle was killed in Iraq, 19 years old. He was in the Army. And she looked me in the eye and said, my son wasn't killed in Iraq. My son proudly gave his life, proudly gave his life for the cause of freedom. And she said to me, we must do everything within our power to ensure success and victory.

This war on terror has been very painful for us, Mr. Speaker, very, very painful for everyone involved, especially the families of those men and women in uniform. But we know there is an interconnectedness of this war on terror, and that is the reason that on this rule we are going to continue our quest to deal with modernization of the Foreign Intelligence Surveillance Act.

Now, I know that my colleagues last night in the Rules Committee, we passed out a special rule that will allow for consideration of possible negotiations that would take place on this issue, but, Mr. Speaker, we have been waiting since April of this year when the statements began to come forward from the Director of National Intelligence, Mike McConnell; from the Director of the Central Intelligence Agency, Michael Hayden; from the Secretary of Homeland Security, Michael Chertoff, the three Michaels I call them, who have come forward with this urgent plea for us to take the very antiquated, three-decade-old, three-decade-old 1978 Foreign Intelligence Surveillance Act and modernize it.

I am going to move, Mr. Speaker, to defeat the previous question, and I would like to yield 1½ minutes to my colleague from Albuquerque, New Mexico (Mrs. WILSON) whose legislation will be made in order if we are successful in defeating the previous question.

Mrs. WILSON of New Mexico. I thank my colleague from California.

This is something we've been trying to get addressed since April, since the Director of National Intelligence came to this Congress and said we need to fix the Foreign Intelligence Surveillance Act. There are things we should be listening to that we are not listening to, that we are missing, and it is hurting the security of this country. It continues to imperil the security of this country, and it is only because we are now forcing the Democrats to deal with this publicly that we may be making progress on this issue.

I am disappointed, though, to hear some of my colleagues in this House suggest in these negotiations that we should have a judge overseeing foreign intelligence collection overseas that does not involve any Americans. That has never been the role of the Foreign Intelligence Surveillance Court. The whole point in making these changes is to make sure that we don't have counterterrorism analysts who are very valuable, highly trained people, expert in languages in regions, in organizations, spending their time developing probable cause statements for foreigners in foreign countries who are communicating with other foreigners. There's absolutely no reason for any court to be involved in that kind of an effort.

Speed matters. It matters in a war on terrorism where terrorists are using our communications networks in order to try to kill us. It is vital, absolutely vital that we fix the Foreign Intelligence Surveillance Act before the House adjourns for the August recess.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida, a member of the Rules Committee and a member of the Intelligence Committee, Mr. HASTINGS, to assure everyone that the FISA bill is on the calendar for this week.

Mr. HASTINGS of Florida. Thank you very much, Madam Chair.

You know, for over a year now the Intelligence Committee and Members of this body have been in negotiations with the administration regarding FISA. When I hear my colleague talk about it, I know that, in the realm of the American public, she's persuasive enough to make it appear that there's something that's happening that is dreadful and America's about to be attacked because we don't have sufficient information that we are receiving from those persons who would do us harm overseas.

The simple fact of the matter is that JANE HARMAN, the former Chair of this committee, and BUD CRAMER have been actively involved. It is not as if nothing has been going on with reference to FISA.

I don't have that same fear. I serve on the same committee that she does. I have every reason to believe that the negotiations are not causing this country to not receive the information that is necessary; and if anyone would argue that this Nation's FISA program is not under courts at this particular time and that the issue is that the administration wishes to move it from under the courts, then I would have them to know that there needs to be greater discussion.

One of the things that has happened is some of the stuff we can't talk about is being nuanced, and I rather think that that is not the way to go about trying to change a law. Yes, it's important that we receive the information about those who are going to do us harm, if they can. And, yes, it's important that we be able to intercept their foreign-to-foreign communications. But to give the general impression that there is this necessity that it be done yesterday is not what the reality is.

Mr. DREIER. Mr. Speaker, I understand that I only have 1 minute remaining, and I know that my colleague from Albuquerque would very much like to have an opportunity to be heard on this issue. I have some closing remarks. I wonder if the distinguished chairman of the Committee on Rules has any time she might yield to the gentlewoman from Albuquerque to respond.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentlewoman from New York has 13½ minutes remaining.

Ms. SLAUGHTER. I yield 30 seconds to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from New York for her graciousness.

I would just tell my colleagues that the Director of National Intelligence, Michael McConnell, has said we are

missing things we should be getting. In classified session in this House yesterday, he was much more specific about just what the magnitude is of what we are missing.

Mr. DREIER. Mr. Speaker, I'm planning to close, if the gentlewoman from New York has no further requests.

Ms. SLAUGHTER. I have no other speakers.

Mr. DREIER. Mr. Speaker, I think it's been very, very clear here this is a closed rule. It's outrageous that we have continued down this pattern of closed rules; and we were promised, the American people were promised much better than that. The underlying legislation is legislation that the administration just announced the President would veto if it were to pass. We should be debating the work of the Iraq Study Group, the bipartisan package; and, unfortunately, with this closed rule, we're denied a chance to do that.

I also believe that my colleague from New Mexico, while debate seemed to be very personal among members of the Intelligence Committee, it comes down to the very strong statements that have been made by the Secretary of Homeland Security, the Director of National Intelligence and the Director of the Central Intelligence Agency. We need to immediately modernize the three-decade-old Foreign Intelligence Surveillance Act.

So I urge my colleagues to vote ''no'' on the previous question so that we'll have an opportunity to make in order the very thoughtful legislation that has been introduced by our colleague from Albuquerque, Mrs. WILSON.

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

Ms. SLAUGHTER. Mr. Speaker, I again want to assure my colleagues that FISA is on the calendar before we go home, which may be the middle of next week. We're not going to leave here without getting that fixed.

Let me also state that, in addition to the dreadful, awful loss of our service persons and the terrible wounding and mangled 30,000 or more, there's another cost to this war, Mr. Speaker. A new estimate is that the war in Iraq will cost the taxpayers of the United States $1 trillion. We are spending at the rate of $10 billion a month. Obviously, this is money that we don't have.

We're borrowing mainly from four sources, the first one being China, Japan, South Korea; and, Mr. Speaker, as this debt piles up, it will take generations for our children, our grandchildren, our great-grandchildren and our great-great-grandchildren simply to pay off.

So let me stop as I began, to again express my sorrow to the people of Minnesota and make it clear that the spending on this war, which is rife with corruption, I do need to say, that in addition to 160,000 military persons in Iraq, we have 185,000 contractors, spending tax money at an enormous rate. We are beginning for the first time in 6 years, as we've taken the majority, to really look at where that money has gone and try to ferret out the corruption, the cronyism, the unbid contracts and all of the other scandals that have gone on there.

Just this week again we learned that millions of dollars spent in construction to turn things over to the Iraqi people is unacceptable to the people of Iraq because of the shoddy workmanship. This is a scandal of major proportions, Mr. Speaker. It really is important that we bring this to an end and try to clean up and maybe hopefully get our international reputation back to some degree.

But the most important thing is that this bill says simply this: Our soldiers need rest. How dare we send people into the battle day after day, night after night, without saying from this House and from this government that what we want for them is what the military always had in the past, an opportunity to rest and renew? It's not only critical for them personally, but it's critical for the units in which they serve that they are in top form. The fact is that we could do that quite simply here just today with this bill and also make certain that we don't ever again send one of them out on one of those roads to patrol unprepared, untrained and unprotected because we failed to spend the enormous amount of money on the right kind of equipment.

It's time, Mr. Speaker. We owe it; and I'm ashamed that all these years, that for the past 6 years, no oversight, not any, no hearings, have been held on this war. No hearings have been held on where all of that money has gone, and we're just beginning now to scratch the surface.

But the first obligation that we have, far more than money involved, the largest obligation we have is to the men and women that we say would you please set your life aside and go and fight. We owe them everything in the world that we can give them.

I'm happy that we have put a lot of money this year on our side into the Veterans Administration, and certainly it's for traumatic brain injury which we see so much of it and that the Veterans Administration is in no way equipped to handle. We have enough money now in the bills so we can send them to the places where they can get the very best help available. But young men and women that are 18, 19, 20 years old, maimed for life. And Mr. Speaker, it is time some intelligence here in the House reigned.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 601 OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

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

□ 1020

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 602

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. 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.

GENERAL LEAVE

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

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

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

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

Ms. SUTTON. Mr. Speaker, H. Res. 602 provides for the consideration of the conference report to accompany H.R. 2272, the 21st Century Competitiveness Act. The rule waives all points of order against the conference report and its consideration and considers the conference report as read.

Mr. Speaker, I rise today in support of House Resolution 602 and the underlying conference report on the 21st Century Competitiveness Act. Too often, we hear that our Nation is struggling to properly educate our students in math and science, and as a result we are falling behind in this world. This is unacceptable to me, and it should be unacceptable to this Congress.

But today we have the chance to change this. Today we make a true commitment to our future. Today we can make it clear that we support American innovation and understand the vital need for our Nation to remain competitive in the global economy.

The 21st Century Competitiveness Act will help ensure that our students, teachers, businesses and workers are prepared to continue to keep this country at the forefront of research and development. Our bill increases funding and makes improvements for the National Science Foundation, the National Institutes of Standards and Technology, and at the Department of Energy Office of Science. The bill increases funding for science, technology, engineering and math, also known as STEM research and education programs.

This bill also allocates funding for the Manufacturing Extension Partnership. These MEP programs leverage Federal, State, local and private investments to stimulate new manufacturing processes and technologies. It's through these new processes and technologies that we can ensure American manufacturers have the tools to compete effectively and efficiently against overseas manufacturers.

The MEP program has proven to be remarkably effective in my home State of Ohio where small and midsize manufacturers face limited budgets, lack of in-house expertise and lack of access to the newest technologies. MEP assistance provided training, expertise and services tailored to the critical needs of Ohio's small and midsize manufacturers.

Through this assistance, many manufacturers in Ohio have increased productivity, achieved higher profits, and remain competitive by providing the latest and most efficient technologies, processes and business practices. In 2006, in fact, as a direct result of MEP assistance, my State enjoyed over $150 million of new investment and over $500 million in increased or retained sales. Companies in Ohio participating in the MEP reported cost savings of over $100 million.

Through the continued funding of this vital program, we can bring these vast benefits to even more small manufacturers across the country. Our efforts here today are vital to stopping the offshoring and outsourcing as well that may have hurt many communities in my home State of Ohio and all across this Nation.

This Congress can send a strong message today that we want to ensure that our Nation is prepared for the future. Let's pass this rule and the 21st Century Competitiveness Act.

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

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow the House to consider a conference report that incorporates several similar measures that have passed the House and Senate authorizing funding for scientific research and increasing the number of students majoring in math, science, engineering and foreign languages.

The several bills that passed both Houses were approved by overwhelming bipartisan votes. The authorization level for all of these bipartisan bills combined a total $24 billion in the House. I am concerned, however, that the conference report today contains over $43 billion in overall authorizations, nearly double.

It is vital that the United States continue to grow more globally competitive in the areas of scientific research and technology. Federal and private investment in supporting research and development is essential to the health of our economy and our competitiveness as a Nation.

We must plan for the future by areas of basic research and science today.

However, there is also something we must do today, and that is update our Foreign Intelligence Surveillance Act laws. This body has missed several important opportunities to consider changing our laws to account for technological advances, and now we are faced with a limited time remaining before Congress recesses for the August district work period.

You can all agree or disagree that our FISA laws need to be updated. All I will be asking my colleagues to do is to vote ''no'' on the previous question so that Members will have the opportunity to debate and consider fixing our outdated FISA law that currently requires our intelligence community to ask a judge permission before listening to telephone conversations of foreign terrorists in foreign countries who threaten our Nation's security.

Let me be clear also. If the previous question is defeated, the America COMPETES conference report will still be on the floor today. This is not an attempt whatsoever to delay this conference report. It is only an attempt to bring this issue to the floor as soon as possible, but, more importantly, before the Congress recesses.

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

Ms. SUTTON. Mr. Speaker, before I yield, I just want to make it clear, as has been stated on this House floor

many times in recent days, that the FISA legislation will be on the floor of this House before the August recess. We're happy that we are here today to pass this rule and this legislation, and we are also able to deal with FISA.

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

Mr. WELCH of Vermont. I thank my colleague from the Rules Committee from Ohio.

First of all, I want to congratulate the outstanding work of the Science Committee under the leadership of Mr. GORDON and Mr. HALL. That committee has produced more bipartisan useful legislation, maybe, than any other committee so far in this body. They are to be commended.

Mr. Speaker, this bill is yet another nail in the ladder of creating opportunity and making this country competitive in the 21st century global economy.

I want to talk a little bit about what can happen if you have companies, large and small, that make a difference and commit themselves to training the workforce, commit themselves to participating in a local community to advance science and math.

We have small companies in Vermont that have done this. We also have a big company, IBM. It is celebrating its 50th anniversary in Vermont, and that will be later this summer. IBM is a major employer. It is a company that transformed itself from computers to services in a whole array of activities that has been beneficial and relied on having the best training for new employees, the best science and math.

That company has not only helped provide good jobs to Vermonters as well as people around the world, it has participated very actively in our State efforts to improve science and math training. This legislation is going to focus resources on that effort in Vermont and across the country.

My congratulations to the Science Committee for the good work that it's done and to the companies large and small across this State that have helped be a partner on these policies that are essential for the future.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to a real doctor from Georgia, a member of the Science and Technology Committee, and a former member of the Rules Committee, Dr. GINGREY, for 5 minutes.

Mr. GINGREY. I want to thank Doc for yielding, the gentleman from Washington, I thank him very much.

Mr. Speaker, I rise to express my deep concern over the process, really, with which we are proceeding today on such an important matter.

I recognize, as a member of the Science Committee, all the hard work that has gone into the America COMPETES Act to maintain and enhance our Nation's investment in the core STEM field, science, technology, engineering and mathematics. I believe that every member of our committee understands well that the future of our competitive economic edge rests in energizing our students at every level so they can pursue these fields of study.

I want to commend my chairman, Mr. GORDON, and Ranking Member HALL. The bills that came before us in committee, all four bills, which we combined to be part of this conference report, I wholeheartedly support every step of the way. But I am very concerned with this conference report and the process, this lightning speed quickness that it has been brought to the floor of this House is absurd.

I want to ask what is the rush. As ranking member of the Technology and Innovation Subcommittee, I was very pleased to be picked as a conferee. I don't get that opportunity often in the 5 years that I have been a Member of this Congress. However, I was only made aware of the appointment Tuesday at 3:30 and, immediately, that the full conference committee would be holding the one and only formal meeting at 5 o'clock, an hour and a half later.

This is a 470-page document that was not even available to conferees until 4:30 yesterday. I can't speak for my colleagues on the other side of the aisle, but I don't want to go back home to Georgia next week and explain to my constituents that I spent, as Representative HASTINGS just said, $43 billion of their tax money on this measure that neither I nor most of the Members of this House on both sides of the aisle even had an opportunity to read, much less think about, before casting that vote. Further, I am extremely concerned with the cavalier attitude with which the majority appears bent on bringing this report to the floor today.

The rules require, and I noticed that earlier the chairman of the Rules Committee was on the floor. She knows the rules require that it shall not be in order to consider a conference report that has not been available to Members, Delegates and Resident Commissioner in the CONGRESSIONAL RECORD for at least 3 calendar days. This report was filed yesterday, yet here we are today preparing to vote on a negotiated deal that is incorrectly being labeled as bipartisan. It was bipartisan in the House. It's not bipartisan in this conference report.

It was only bipartisan to the extent we were invited to the party, but we were told to please just observe the dancing, and, by the way, don't eat any of the refreshments.

The House did not use proxy votes, and yet that rule was also waived yesterday for the purpose of the formal conference.

In addition, by a vote of 258–167, this House passed a motion to instruct conferees Tuesday to insist on the House authorization levels and to restore language on coal-to-liquids technology that had previously been accepted in this House by a vote of 264–154. Both instructions were ignored in conference. The coal-to-liquids technology provision was offered as an amendment in the conference yesterday and was voted down, despite the wishes of this whole House.

What's the point of having rules if we're not going to follow them, and what's the use of holding votes if we are not going to adhere to their outcome and insist on a conference committee report? It's extremely unfortunate that again this week we are faced with the regrettable fruits of the Democratic leadership's rush to adjourn.

My point is, this rush to get things done so you can go home and say that you accomplished this, and that's fine, but we've got to get it right and we have got to follow the rules. I mean, whether this side, we were in the majority, if we are guilty of doing the same thing on occasion, and maybe that was done on appropriations bills, but when you are dealing with something like this, and this is the policy in science education and trying to stimulate our young people and make this country more competitive in the global economy, we have got to get it right.

When we have a bill coming out of the House that very generously authorizes almost $23 billion, $24 billion, $25 billion, and all of a sudden it's $43 billion, I have some real concerns about that. So it's extremely unfortunate that we are rushing this through, and it is the American public who is being left with an ever-increasing bill for this attitude.

I asked my colleagues on the policy, or on the process. I am not talking about the issues that others have raised, but I am saying vote ''no'' to this rule and the underlying report.

Ms. SUTTON. Mr. Speaker, at this time it is my great pleasure to yield 20 minutes to the distinguished gentleman from Tennessee, the chairman of the Committee on Science and Technology, Mr. GORDON, whose leadership brought us here to this great day.

Mr. GORDON of Tennessee. Thank you, Lady SUTTON. I will grace you by not taking that full 20 minutes.

I want to thank Mr. WELCH for his kind words. I want to thank Mr. HASTINGS for not being too ugly about this bill, and I want to make my friend on the Science Committee, Mr. GINGREY, feel better about this bill.

Mr. Speaker, in the last few hours of every session, it doesn't matter who is in the majority or who is in the minority, things get a little bit tense. Folks want to get going for their district work period, and so this is an opportunity for us all to come together.

This is a bill that was based on a suspension that passed out of this House unanimously, based on a bill out of the Senate that passed 88–8. This is a bipartisan, bicameral bill.

The National Chamber of Commerce supports this bill. The National Association of Manufacturers supports this bill. The Business Roundtable supports this bill. Every university that is represented in this body supports this bill

because it is a good bill. It's going to help American workers, businesses. It's going to help students and teachers be able to compete in the world. It's going to help us regain and maintain a leadership in research, innovation and technology.

Let me just take a moment and tell you a little bit about the bill.

Well, it's also based on, of course, Sherry Boehlert, the former, very good Republican chairman of our Science Committee, myself when I was ranking member, LAMAR ALEXANDER, who has done Herculean work in the Senate, as well as JEFF BINGAMAN asked the National Academy of Science to do a report on the competitiveness of America in the 21st century. Norm Augustine, the former head of Lockheed Martin, Craig Barrett at Intel, many other scholars, as well as academic and business individuals, came together and they told us in a very sobering way that America was heading in the wrong direction in terms of competitiveness in the 21st century.

Now, this is not just an idle thought for the ones of us that have kids and grandkids, because I am very concerned that the next generation of Americans could be the first generation of Americans that inherit a national standard of living less than our parents if we don't do something. This bill will help change the corner, turn that corner.

Let me tell you about it; it deals really with three main areas. First of all, following the recommendations of the rising above the gathering storm, we are going to increase our expenditures and research in this country, in the National Science Foundation that does such a good job, the National Institute of Standards and Technology. And, again, for my friend from Georgia, these are just authorizations.

If they can't justify what they are doing, then the appropriations will not appropriate those funds. This is just authorization. It doesn't spend any money, but it does give us a great blueprint.

The next thing we are going to do, we have to recognize that there are about 7 billion people in the world, half of which make less than $2 a day. We can't compete with that. We don't want to compete with that. We don't want our kids and grandkids to have to be in that situation.

What do we do? We have to compete at a higher level. If they are going to make one widget in China or India or elsewhere, we have got to make 50 in this country at the same time. We need to be inventing the widget maker and we need to be manufacturing the widget maker. That's what this bill is going to help us do. But to do that, our workers have to perform at a higher skill level. We have to help them do that.

When you look, and it's a sad situation right now, but only Cyprus and South Africa have lower overall math and science scores than we have in this country right now. What is the reason for that? Is it that we are not as smart as other countries? No, that's not the case.

The problem is we have very good and talented teachers in this country, but unfortunately, when it comes to math and science, about 63 percent of the math teachers at the middle school have neither a major or a certification to teach math.

The science teachers in this country are trying to do a good job, but 87 percent of them have neither a major or certification to teach the physical sciences. It's hard to inspire. It's hard to really convey information when you don't have a good background. I want to give you an example of that.

My father was a farmer. He went to World War II, and he came back, and because of the GI Bill, he was able to go to college. He got a degree in agriculture. I come along, and my mother had to give up her job at the cafeteria, so my father needed a second job.

So he applied to teach, and he got the last teaching job at Smyrna High School in my home county. So since he was the last person to get a job, they assigned him to teach high school science and to coach girls basketball.

I am not sure which one my father knew the least about. He was a bright, able fellow, but they put him in a difficult situation. And it was tough for his students, I am sure.

□ 1040

Well, we have got to do better than that. And so what this bill is going to do is really two things in that area. We are going to take those good teachers like my father, bring them back into school. We will do it in the summer, so they can get their certification, hopefully go ahead and get a master's, get an AP certification so they can do a better job.

We are also going to provide scholarships for approximately 10,000 students each year on a competitive basis that want to go into math, science, and education and agree to teach for 5 years in high-need areas. This is going to go a long way to helping our skills.

And so, finally, we are going to look at one other area, one other area that Rising Above the Gathering Storm mentioned, was we have to become energy independent in this country. We have been talking about a lot of energy bills and are going to hopefully pass an energy bill at least in the House. The Senate has done. It is a long way to getting something completed.

But, today, this is a conference report. This is not just a bill that then goes to the other body and goes to conference. This is a conference report that was passed out of that conference on a bipartisan, bicameral basis, and it does something about energy independence today. And let me tell you about that, and this is a recommendation that came from the National Academies of Science.

We are going to set up an agency within the Department of Energy modeled after DARPA, which is in the Defense Department, a high-risk, high-reward group. It is going to look at the the seven or eight most cutting-edge types of new technologies. And we are going to bring our private sector, the public sector, the national labs, the universities all together with a very narrow bit of management that is only going to be like project directors to bring all these folks together. And, just like in the Department of Defense, the Internet was developed, stealth and technology was developed, but there were a lot of things that didn't work out, because they weren't afraid to try. High risk, high reward. That is what we are going to do.

We are going to get in there, and we are going to find those areas that are new technologies that are going to bump our ability to create renewable energy in this country, which is going to help us become energy independent, it is going to create jobs, and it is going to create exports.

This is a very good bipartisan, bicameral bill that is endorsed by the Chamber of Commerce, by the National Association of Manufacturers, by the Business Roundtable, universities. And this afternoon we will talk about this some more. I am going to bring you a list of businesses and organizations that support this that is going to go on and on and on.

So, my friends, let's put aside I guess just the natural bit of tenseness that goes with ending a session. Let's work together and get something good today and pass this bipartisan, bicameral bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Dr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

You heard one speaker say this was a bad bill and should not be passed. You heard another one say it is a good bill and should be passed. There are good points on both sides of that argument. But I would point out that I have never seen a perfect bill reach the floor of this House; and, on balance, I believe this bill is good and should be passed, and I will be supporting the bill and presumably the rule that is presenting it to us.

I do this in spite of the fact that Dr. GINGREY and Ranking Member HALL, whom I have great respect for, have serious doubts about the bill.

Let me explain why I am supporting this. America is in trouble. It is in trouble in several areas. It is in trouble in science, and it is in trouble in education, manufacturing, outsourcing. Let me examine some of those.

Just an example, science education. Had I the time I could give you chart after chart after chart showing you where American students stand on the international scale compared to other high school graduate students:

In physics, dead last of all developed nations.

High school mathematics graduates, second from the bottom of all developed countries.

General science, about fifth from the the bottom.

In the PITA studies, United States last of 21 nations in mathematics.

We think we are the leading nation. We think we are doing a good job of educating our students. We are not, and we must face that. This bill addresses much of that problem by improving the education and training for teachers, both incoming teachers and existing teachers. It will improve the curricula, it will help students achieve better, and we must achieve higher levels again.

China and India recognized this issue 20 years ago, that the future belonged to the nations that educated their children in mathematics and science. China did it the dictator's way: You will learn math and science. India did it through inducements. But, as a result, they are now ahead of us, and we are now losing jobs to those nations because we have neglected our math and science education.

In our research efforts, we have always been the leader in scientific research for half a century, ever since World War II. We are losing ground. Believe it or not, South Korea is starting to put more than we are, as a percent of GDP, into basic research efforts, and that is being joined by other countries as well.

Manufacturing is a tremendous problem. We are losing jobs to other countries. And it is not just the wage base. I come from a manufacturing district. I have many conversations with manufacturers. It is not just the wage base. They are getting better quality, more highly educated workers abroad for lower pay. That is a hard combination to beat. And we really have to work hard in this Nation to improve education and improve manufacturing.

Now, how does that affect this bill? This bill is designed to affect and improve all of those areas. It does not do it ideally. I disagree with a number of things in the bill. I join my Republican colleagues in doing that. But, on balance, it is a start. If this were an appropriations bill, I might have some reservations, but it is an authorization bill. We get another bite of the apple each time we decide which programs we are actually going to fund.

I could mention ARPA–E in here. I am less than enthusiastic about it. If it works, I am delighted. I am skeptical. But why not authorize it, let the appropriators work with us, and decide whether or not we should fund it.

America as a Nation is based on competition. We are not afraid of competition, and this bill will engender competition. It will give us the opportunity to compete face-to-face at level-to-level with other countries and give us an opportunity to restore our manufacturing base, improve our science education, improve our manufacturing facilities and really do a better job.

You have heard before, this is endorsed by many major organizations in this country, all of whom have a deep interest in improving manufacturing and improving our competitiveness. This bill was suggested by President Bush in his American Competitiveness Initiative in his State of the Union speech last year. This is not a fly-by-night idea. This is something that I have been working on for almost every year since I came here 14 years ago and particularly the last 10 years. It is coming to fruition.

I have worked with the White House on it. I have worked with many scientific societies, and much of the genesis of this comes from the the National Academy of Sciences and The Gathering Storm Report, which is headed very ably by Norman Augustine, one of our leading industrialists and scientists.

It is not a perfect bill. I wish it were, but it is not. But in this process this is the best we can get, and it gives us a base to build on. And through appropriate use of this authorization and the appropriations bills, we will strengthen our Nation, we will strengthen our manufacturing base, we will strengthen our schools, we will strengthen our math and science education, and we will have a better Nation and a stronger Nation as a result.

One last comment. We spend a tremendous amount of money on defense, a tremendous amount of money on defense. We have always managed to succeed in situations like Iraq because of our superior knowledge, our superior research, and our superior resources. We are in danger of losing that edge. And I have met with people from the the Pentagon suggesting scientific ideas to them that they can use to improve the situation in Iraq. We need that kind of interaction between the scientific community and the military community, and I hope that will also result from this and give us a stronger Nation.

Ms. SUTTON. Mr. Speaker, at this time, it is my privilege to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlelady from Ohio, and I thank her for her leadership not only on the Rules Committee but on the Judiciary Committee. It is a pleasure to have the opportunity to work with her.

Mr. Speaker, let me acknowledge the chairman of the Science Committee, Mr. GORDON, and the ranking member of the Science Committee. As an alumnus of this committee, let me applaud this effort and indicate that this is not the end but it is the beginning. It has been a long journey, but it is premised on very important challenges.

We begin to look around the world, and we notice that nations who in years past were looking to the United States for the cutting edge of technology now are graduating more mathematicians and engineers in 1 month, such as China, than we might be graduating in 1 year. We understand the premise of this competitive legislation. H.R. 2272 is long overdue, and it is reaching to answer a crisis.

Earlier this morning, we heard reference to President John F. Kennedy about his pronouncement that America was going into space. It was said at that time that the President didn't know how we were going into space, did not have a grasp of the possible technology, but yet by his pronouncement it opened the doors of America's inventiveness to be able to create this pathway to space.

Well, now that we have statistics behind us of Leave No Child Behind, a bill that we hope we will truly reform, we do have numbers suggesting that America's children are shortchanged in math and science. We do know that America's schools are failing with respect to equipment in science laboratories; and we do know America's schools need the kind of trained teachers, master teachers who can emphasize math and science. So I am very grateful that this particular legislation allows for 25,000 new teachers over the next 3 years through Professional Development Summer Training Institute's graduate education focusing on math and science.

Today, in my own district, I am working with private-to-public sector to help fund one of the failing school districts to give them what you call master teachers in math and science to build up their laboratories. But we are using private dollars because we can't get the public dollars. This maintains the importance of qualified teachers in mathematics and science. It does something that is key, that many of us have been working on who have been advocating for NASA for many years, and that is a partnership between the public and private.

I hope that NASA will be one of those who can be utilized to engage more heavily in the community on the issues of math, science, and engineering.

And something that we have worked on and I have worked on all my years on the Science Committee, working with historically black colleges and Hispanic-serving colleges, we now have a focus on minorities and women in the science area.

When I first came to this Congress, I passed legislation that would allow excess equipment from the Nation's laboratories to be used in our secondary and primary schools, anything to put a nexus between research and science and development to the Nation's education system. This puts it squarely on the front burner. And I think what also happens is that we have revitalized the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science.

The key element of this legislation is that, without ideas, we are not competitive. That is why it is so named. And I hope that as this bill moves forward the President and Presidents to come will make this a cornerstone of their administration; that is, that

America fails when her inventiveness, when her scientists and engineers are stifled and America fails when its people, are, in essence, divided and some go forward and some do not. So the idea that we must see again the emphasis on math and science for girls as we do boys is crucial.

Let me just simply say, as a partner to this effort, we recently passed my NASA Coin Bill. Interestingly enough, in that legislation there are opportunities to embrace children-focused programs that would encourage the research or the science at a primary school level so that children grow up saying, ''I want to be.'' And I know they want to be basketball players and they want to be maybe astronauts because they look great, but I want them to grow up and say, ''I want to be a math teacher or mathematician. I want to be a biologist or a chemist or a nuclear physicist or an engineer of many different types.'' As we reflect on the tragedy of the Minnesota bridge collapse, we need engineers and technicians to help build America and to create jobs.

I close, Mr. Speaker, by simply saying science is the work of the 21st century. This is what this bill is about.

Mr. HASTINGS of Washington. Mr. Speaker, I mentioned in my opening remarks that I will urge my colleagues to vote ''no'' on the previous question so we can address the very, very important issue of reform of FISA.

I yield 5 minutes to the gentlelady from New Mexico, a member of the Intelligence Committee, Mrs. WILSON.

Mrs. WILSON of New Mexico. Mr. Speaker, we now have 2 days left before the August break, and I would ask my colleagues to oppose the previous question on this conference report so that we may immediately address the problems in the Foreign Intelligence Surveillance Act.

We have now reached a point where the majority is committed to bring legislation to the floor, and that is a very big step forward, and I regret that it has taken so much public pressure to get us to this point. I am actually a believer that intelligence matters are best dealt with quietly, but when quiet encouragement does not work and national security is at stake, we have an obligation to increase the public pressure in order to get a political decision to move and get things done when it is important to this country.

Now that that political decision has been made and the majority has said they will bring legislation to the floor, we need to make sure that that legislation fixes the problem. In other words, we have to get this right. It is critical to get this right. Several Democrat leaders have put forward some ideas, but there are two of them that don't make any sense to me.

□ 1100

They want, first, only temporary authority to listen to foreigners in foreign countries. And, second, they want to still be in a situation where you have to get a court order to approve eavesdropping on foreigners in foreign countries.

Let's look at that for a second. My colleagues want two things. They want only temporary authority to listen to foreigners in foreign countries. The war on terrorism is not a temporary thing, and spying is not new. As early as the invention of the telegraph and reading people's mail during World War I that was going back and forth to Europe, in World War II much of the war was won because we broke codes that the Germans and Japanese were using and listened to their communications. During the Cold War we listened to our enemies. We have a foreign intelligence apparatus, and we spy on our enemies. Foreign intelligence collection is not new, and it is not temporary. We need to fix this law and get it right now.

Secondly, several of my Democrat colleagues have put forward the idea that you should still need court approval to eavesdrop on foreigners in foreign countries. It takes about 200 man-hours to develop a probable cause statement, a packet to go to the court, it's about that thick, to get approval from a court to do a wiretap.

Now, these people who have to put these together are not clerks or even lawyers. They are experts in counterterrorism, and their time is much better spent tracking these people than putting together paperwork.

More importantly, the Foreign Intelligence Surveillance Act was never intended to put a U.S. judge in charge of deciding whether we can listen to foreigners in foreign countries. That is why we spy and what we do. We don't need judges to be considering those kinds of things. And the only reason they are is because technology has changed faster than the law.

FISA, the Foreign Intelligence Surveillance Act, was never intended to require warrants to listen to foreigners in foreign countries. In 1978, when the law was written, almost all long-haul communications were over the air. That's where international calls were. Almost all local calls were on a wire. When they wrote the act, they froze the law in time. They required a warrant for anything on a wire. And over-the-air communications didn't require a warrant at all because that's where we collect foreign intelligence.

In a bill that comes to this floor, we need to do two things. First, no warrant or court intervention should be required to listen to foreign terrorists in foreign countries. Speed matters. And, second, we must continue to require warrants to listen to people in the United States. The Foreign Intelligence Surveillance law was intended to protect the civil liberties of Americans. It was intended, and has done actually a very good job at rolling back the abuses that the intelligence community was involved in in the 1950s and 1960s.

Let's get this court back to focusing what it was intended to do, which is to protect the civil liberties of Americans, and allow our intelligence community to do what they are intended to do, which is to keep this country safe and prevent the next terrorist attack.

Ms. SUTTON. Mr. Speaker, at this time it's my honor to yield 2 minutes to the distinguished gentleman from Florida, a member of both the Rules Committee and the Select Committee on Intelligence (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from Ohio for yielding.

If it is that we must say that my friend from New Mexico, Mr. Speaker, is to receive credit for a discussion of FISA, it should also attend the facts that for over a year the Intelligence Committees of this Congress have been in negotiations with the administration regarding matters having to do with FISA.

Just so we assure everybody that the matter of FISA is on the agenda, it will be taken up before we leave. And I can only say that there are many of us in this body who do not feel that it is inappropriate to establish an appropriate entity for oversight, no matter where information may be coming from.

The thing that I wish to dispel is that there is no reason for us to be fearful of us not having information that is needed. It is true that the Director of National Intelligence has said that there are matters that we may be missing. But there may be matters that we may be missing even if we fix FISA if we hurry to judgment and not do it correctly.

So civil liberties are important to Americans. Civil liberties are paramount when it comes to our consideration of gathering information. We don't want to troll and catch some American citizens and have their information poorly used.

Now, I don't know about anybody else, but there is one provision that considers giving the Attorney General this power and not courts. If it was this Attorney General, then I'm awfully glad that we're in the present posture that we're in, because I would not want this Attorney General making those decisions.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 1 minute to the gentlelady from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, the Director of National Intelligence has said that there are things we should be listening to which we are not getting.

All of us remember where we were on the morning of 9/11, remember who we were with, what we were wearing, what we had for breakfast.

I would guess that nobody listening to me here today, or very few, remember where they were the day that the British Government arrested 16 people who were within 48 hours of walking on to airliners at Heathrow and blowing them up over the Atlantic. It was successful intelligence cooperation between the British, Pakistani and American Governments that prevented that

attack. And you don't remember it because it didn't happen.

Intelligence is the first line of defense in the war on terror, and we must fix this law and get it right.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman if he has any remaining speakers. I'm the last speaker on this side, and I'll reserve my time until the gentleman has closed for his side.

Mr. HASTINGS of Washington. If the gentlelady is prepared to close, I am prepared to close on my side.

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

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question. By defeating the previous question we will give Members the ability to vote today on the merits of changing current law to ensure our intelligence community has the tools they need to protect our Nation from potentially imminent terrorist attack.

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

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

There was no objection.

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

Ms. SUTTON. Mr. Speaker, it is time that we make a commitment to our students who want to succeed in the fields of math and science. It's time that we help our manufacturers and promote innovation and industrial competitiveness. With this legislation, we are setting our course.

While there are many things that must be done on many different issues to see real improvements, passing the 21st Century Competitiveness Act today is one very positive and enormous step in the right direction. We are saying we want to invest in our teachers. We want to invest in our students, invest in science and research and development and innovation. We are developing our workforce for the jobs of today and tomorrow.

Mr. Speaker, we are preparing our Nation for a bright future. I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 602 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 602, if ordered; ordering the previous question on House Resolution 601; and adoption of House Resolution 601, if ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 9, as follows:

[Roll No. 791]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
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
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

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

NOT VOTING—9

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Lee
Olver
Paul

□ 1132

Messrs. COLE of Oklahoma, TERRY, and HUNTER changed their vote from ''yea'' to ''nay.''

Mr. COOPER and Mr. SERRANO changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 9, as follows:

[Roll No. 792]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
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
Ehlers
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

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

NOT VOTING—9

Cannon
Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Mahoney (FL)
Meeks (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1140

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3159, ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 601, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 201, not voting 6, as follows:

[Roll No. 793]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
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
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
Lampson
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
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

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

NOT VOTING—6

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1147

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 8, as follows:

[Roll No. 794]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
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
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
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 (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—200

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

NOT VOTING—8

Clarke
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Johnson, Sam
Perlmutter
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1153

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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Utah (Mr. BENNETT), from the Committee on Appropriations.

The Senator from Nebraska (Mr. NELSON), from the Committee on Appropriations.

The Senator from Colorado (Mr. ALLARD), At Large.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations.

The Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

The Senator from Maryland (Mr. CARDIN), At Large.

The message also announced that pursuant to section 1295b(h), of title 46 App., United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Hawaii (Mr. INOUOYE), ex officio as Chairman of the Committee on Commerce, Science and Transportation.

The Senator from New Jersey (Mr. LAUTENBERG), from the Committee on Commerce, Science and Transportation.

The Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation.

The Senator from South Carolina (Mr. GRAHAM), At Large.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The Senator from Louisiana (Ms. LANDRIEU), from the Committee on Appropriations.

The Senator from Rhode Island (Mr. REED), designated by the Chairman of the Committee on Armed Services.

The Senator from Maine (Ms. COLLINS), At Large.

ENSURING MILITARY READINESS THROUGH STABILITY AND PREDICTABILITY DEPLOYMENT POLICY ACT OF 2007

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 601, I call up the bill (H.R. 3159) to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3159

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

SECTION 1. MINIMUM PERIODS OF REST AND RECUPERATION FOR UNITS AND MEMBERS OF THE ARMED FORCES BETWEEN DEPLOYMENTS.

(a) REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army.

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations.

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps.

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force.

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard.

The SPEAKER pro tempore (Mr. WEINER). Pursuant to House Resolution 601, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3159

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 ''Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007''.

SEC. 2. MINIMUM PERIODS OF REST AND RECUPERATION FOR UNITS OF THE ARMED FORCES BETWEEN DEPLOYMENTS.

(a) REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is equal to or longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the most recent previous deployment of a unit of the Armed Forces specified in paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be equal to or longer than twice the period of such most recent previous deployment.

(3) COVERED UNITS.—Subject to subsection (c), the units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the regular Army and members assigned to those units.

(B) Units of the regular Marine Corps and members assigned to those units.

(C) Units of the regular Navy and members assigned to those units.

(D) Units of the regular Air Force and members assigned to those units.

(b) RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit of the Armed Forces specified in paragraph (3) may be deployed in support of Operation Iraqi Freedom unless the period between the most recent previous deployment of the unit and a subsequent deployment of the unit is at least three times longer than the period of such most recent previous deployment.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the units of the reserve components of the Armed Forces should not be mobilized continuously for more than one year, and the optimal minimum period between the previous deployment of a unit of the Armed Forces specified in paragraph (3) and a subsequent deployment of the unit in support of Operation Iraqi Freedom should be five years.

(3) COVERED UNITS.—The units of the Armed Forces specified in this paragraph are as follows:

(A) Units of the Army Reserve and members assigned to those units.

(B) Units of the Army National Guard and members assigned to those units.

(C) Units of the Marine Corps Reserve and members assigned to those units.

(D) Units of the Navy Reserve and members assigned to those units.

(E) Units of the Air Force Reserve and members assigned to those units.

(F) Units of the Air National Guard and members assigned to those units.

(c) EXEMPTIONS.—The limitations in subsections (a) and (b) do not apply—

(1) to special operations forces as identified pursuant to section 167(i) of title 10, United States Code; and

(2) to units of the Armed Forces needed, as determined by the Secretary of Defense, to assist in the redeployment of members of the Armed Forces from Iraq to another operational requirement or back to their home stations.

(d) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit of the Armed Forces to meet a threat to the national security interests of the United States if the President certifies to Congress within 30 days that the deployment of the unit is necessary for such purposes.

(e) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army.

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations.

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps.

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force.

(f) DEFINITIONS.—In this Act:

(1) DEPLOYMENT.—The term ''deployment'' or ''deployed'' means the relocation of forces and materiel to desired areas of operations and encompasses all activities from origin or home station through destination, including staging, holding, and movement in and through the United States and all theaters of operation.

(2) UNIT.—The term ''unit'' means a unit that is deployable and is commanded by a commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade.

(g) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3159, introduced by my colleague on the House Armed Services Committee, Ellen Tauscher, the gentlelady from California, as well as other Members of the House.

Our troops and their families are stressed and they are under pressure. Yesterday, the USA Today newspaper had an article entitled, ''Stress of War Hits Army Kids Hard.'' The article, sadly, was about the increasing number of child abuse and neglect cases among deployed Army families. The article quotes Amy Lambert, an Army wife living at Fort Stewart, Georgia. She states, ''I firmly believe that more time at home between deployments would be the most beneficial solution.'' I think that quote sums up the reason we're here and why this bill is before the House.

Our troops and their families are tired. They are being stressed by the continued and extended deployments. It's time that Congress takes a stand on behalf of our families and states in a clear, unequivocal voice that it is time that servicemembers have a minimum dwell time between deployments.

This bill would require that active component units and members be provided at least the same time at home as they are deployed. It would also require that Reserve and National Guardsmen who are called to deploy are given at least three times at home as they are deployed.

This proposed minimum period of deployment is less than the Department's own goal, which provides that active duty servicemembers should be deployed for 1 year, with 2 years back in home station, and Reservists and Guardsmen should have 5 years between deployments.

The Army recently implemented a policy that requires active duty units to deploy for 15 months and only spend 12 months back at their home station. This is a troubling sign, Mr. Speaker, since the time back at home station is used to reset, retrain and re-equip forces.

Servicemembers and their families are entitled to a predictable and stable time between deployments. Congress needs to step up on behalf of the troops, as well as their families, and say enough is enough.

We need to hold the Department accountable to their own policies and protect the readiness of our forces. That's no small thing. We have a moral responsibility to our troops to ensure

that their quality of life is reflective of the sacrifices that we ask them to make.

We need to ensure that our active forces have at least the same amount of time deployed that they have back home with their families, and that our citizen-soldiers have at least three times the amount home as that time deployed.

This bill is also about our national security and its readiness, and it's about strategic risk. This bill will help to ensure that our military can deal not only with Iraq, where they have been serving remarkably under extraordinarily difficult conditions for 4 years, but wherever the next conflict occurs, our force must have adequate time to train if it is to be prepared.

And in this exceptional all-volunteer force, we must keep our retention levels up if we are to insure that our military will be able to succeed both now and in the next fight, which, of course, is very unpredictable.

H.R. 3159 is a step in the right direction. I urge my colleagues to stand with us in support of our troops and in support of our families.

Before I reserve the balance of my time, I ask unanimous consent that the gentlelady from California (Mrs. TAUSCHER) control the time on my behalf.

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

There was no objection.

Mr. SKELTON. I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. HUNTER. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, this is a well-motivated bill. I want to commend my colleagues on the Armed Services Committee for all the great work that they do, Democrat and Republican. Most of the time we're on common ground. In this case, I think that this bill does not accrue to the benefit of the troops. I think it hurts the troops.

□ 1200

I think that is a question every Member of the House has to ask themselves: Is this going to be good for the troops, or is it going to be bad for the troops?

I think it will be bad for the troops, for this reason: We are fighting a war in Iraq which requires innovation, flexibility and experience. This bill, which will put a straitjacket on our ability to deploy troops on the basis that their clock has not yet expired back in the United States before they go over, is going to have an incredibly detrimental affect on our ability to project a well-rounded, effective fighting team in the warfighting theater in Iraq.

Let me talk about that a little bit, Mr. Speaker.

You are going to have units which desperately require specialties. Some of the specialties, I would remind my friend, are IEDs, the ability to operate jammers, the ability perhaps to decontaminate if you come into contact with some of the chemical weapons stockpiles that were left by the old regime. Military effectiveness is built on dozens and dozens of specialities, all of which support the other.

The idea that you can't put this team together, that the Marines or the Army can't put their warfighting team together because they looked at the list of people who are most able to fill those roles, most able to move in and stand next to their fellow Marine, their fellow soldier, their fellow airman, the guy that is doing the mechanic work on that important helicopter that is going to be the transportation vehicle, the guy that is doing the repair work on that particular weapons system, those people are not going to be able to flow over into the theater because their clock hasn't moved appropriately on the one-to-one ratio.

Now, we consulted the U.S. Marines on this provision. We didn't consult political people in the White House. We didn't consult people who had an opinion on whether or not we should be in Iraq. We consulted the people who have the job of putting together these packages of personnel which are required in the warfighting theater and transporting them to the theater.

Of course, the Deputy Commandant of the Marine Corps for Plans and Operations is Lieutenant General Richard Natonski. Here is his statement he gave to the committee. He said, ''In order to support OIF requirements during Fiscal Year 2008 and comply with the minimum period between deployments proposed by provisions like H.R. 3159, a one-to-one ratio, the Marine Corps would have to adjust force generation plans. These plan adjustments would include extending unit deployments.''

Somebody has to stay on the battlefield. The battlefield is not going to be empty. So if you are not going to allow new Marines to come in, the Marines that are there right now are going to have to stay there.

It is the same with the Army. These plan adjustments could include extending unit deployments, creating provisional units. That means you are going to have to put new units together because the old unit hasn't had its meter expire yet. And forcing units to execute missions as in-lieu-of forces, meaning that units that don't have that specialty are going to have to become units that have that specialty. That means ''quickie'' training and moving people immediately into the battlefield to fill a role that otherwise could be filled by people who have a deep specialty in that capability.

Mr. Speaker, he finishes with this statement that every Member of Congress should listen to very carefully. He said, each of these adjustments that will be required by Mrs. TAUSCHER's bill, among others, incurs higher risk than that associated with deploying the unit at a deployment-to-dwell time of seven to six.

I want to remind my colleagues, higher risk means higher risk of casualties. That is what happens when the guy that is supporting you on the battlefield doesn't have as much experience as you would like him to have, doesn't have that specialty, hasn't been there before, doesn't have that insight that is going to keep you alive.

Mr. Speaker, this is a well-meaning bill. But if you ask this question, does it help the troops or hurt the troops, this bill hurts the troops.

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

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

Mr. Speaker, I am honored to offer H.R. 3159, a bipartisan bill to mandate minimum periods of rest, training and recuperation for units and members of the regular and Reserve components of our Armed Forces between deployment. Fixing our troops' unpredictable rest and retraining policy is long overdue.

In an interview last Monday, Marine Corps Commander General James Conway highlighted repeated deployments and short periods of time between them to rest as factors contributing to increased mental stress and burdens on families of service men and women.

As a member of the Armed Services Committee, I am intimately acquainted with how this war has damaged our national security, our diplomatic standing and the readiness of our military; and, as a Californian, I am well aware of how it is draining the defense and security resources of my home State and others.

As we speak, a unit from Walnut Creek, California, in my district, is leading a task force comprised of six units that come from armories throughout the East Bay and Northern California. The California Army National Guard indicates that the unit of 824 soldiers is the largest single California National Guard unit to be deployed since the Korean War. These are men and women who will benefit from this legislation in real time.

We are sending more and more men and women to Iraq every day. The Bush administration is failing to accurately account for all of the costs of these repeated deployments. On the microlevel, our deployed men and women are being taken away from their families in a revolving door of service because the war has gone on much longer than the President believed it would. And on a larger scale, we are damaging the readiness for our Armed Forces to defend against future attacks here at home and around the world, as well as national emergencies here at home.

Mr. Speaker, my bill simply states that if a unit or a member of a regular

component of the Armed Forces deploys to Iraq, they will have an equivalent amount of time at home before they are redeployed. No unit or member of a Reserve component, including the National Guard, could be redeployed to Iraq within 3 years of their previous deployment. In the event of an operational emergency posing a threat to vital national security interests, the President may waive the amendment's limitations by certifying to Congress that deployment of the unit or a member is necessary for national security.

The military departments also are provided waiver authority in the bill for individual volunteers who seek to redeploy before the expiration of the mandated time of rest between the deployments. This bill in no way, shape or form hinders the Commander in Chief's ability to manage military personnel.

Mr. Speaker, it is critical that we come together and take a very critical step to preserve the readiness of our men and women in uniform for them and for our national security.

If we are honest about wanting to support our troops, there is no better place to start than to correct our troop rotation policy. For far too long, the members of the Guard and Reserve have been unrepresented in Congress. Today, every Member has an opportunity to help them.

Mr. Speaker, I include the following letters of support for my bill from the Reserve Enlisted Association and Veterans for America.

RESERVE ENLISTED ASSOCIATION,
July 27, 2007.

Hon. ELLEN TAUSCHER,
Washington, DC.

DEAR CONGRESSWOMAN TAUSCHER: Thank you on behalf of the members of the Reserve Enlisted Association of the United States (REA) for keeping enlisted men and women serving in the Reserve Component in the forefront of your work as evidenced by your introduction of a bill to mandate minimum periods of rest and recuperation between deployments.

REA appreciates the intent of the bill to provide predictability for serving reservists, their families and their employers.

Your continued support of the Reserve Components is greatly appreciated.

Sincerely,

LANI BURNETT,
CMSgt, USAFR (RET),
Executive Director.

VETERANS FOR AMERICA STATEMENT IN SUPPORT OF H.R. 3169

We are compounding the wounds of war.—Bobby Muller, President of Veterans for America.

Veterans for America strongly supports H.R. 3159, sponsored by Rep. Ellen Tauscher, calling for adequate dwell time for our service members serving in Iraq and elsewhere.

Current deployment policies and operational tempo are compounding the wounds of war. It is a medical fact—confirmed by DoD studies such as the Mental Health Advisory Team IV—that repeated exposure to combat greatly increases the likelihood of service-connected mental health problems. The DoD Mental Health Task Force has already reported that almost half of the members of the Guard and Reserve who have served in Iraq are experiencing such problems, as are 38 percent of Soldiers, and 31 percent of Marines.

Inadequate dwell time will cause these numbers to further increase.

Rep. Tauscher's bill will help to ensure that our brave men and women in uniform have the time at home they need to prepare for a return to combat.

Veterans for America urges members of the House Armed Services Committee to support this important legislation. The well-being of our service members depends on it.

Mr. Speaker, I would like to briefly comment to my colleague from California when he talks about and laments on behalf of the Pentagon about all of the problems that they are potentially going to have making all these units up and doing all of these things.

I would like to remind my colleague that the Pentagon has plenty of people speaking for them and working for them. It is our job as the Members of the House of Representatives to speak for our Armed Forces and their families to be sure that we have a consistent policy for dwell time and rest. I appreciate the fact that we are all interested in making sure that we have a strong military, but we need to do that in a way that is responsible and responsive to the needs of our military and their families.

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

Mr. HUNTER. Mr. Speaker, I would like to yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), who is a former chairman of the Terrorism Subcommittee and the ranking member on the Subcommittee on Air and Land Forces.

Mr. SAXTON. I want to thank Mr. HUNTER for yielding time and just say to my friend, Mrs. TAUSCHER, that I very much understand and appreciate the goals that she has in bringing this legislation forward, but, at the same time, I think there are some realities that we have to face relative to the subject that the bill addresses.

The problem here is twofold. Number one, there is the issue of command flexibility. As Mr. HUNTER pointed out just a few minutes ago, we learned in previous wars that making decisions on tactical activities in a war should not probably be made at the White House and probably should even less likely be made here by 435 Members of Congress.

So while I very much appreciate and agree with the goal of making sure that every soldier and Marine and every member of the four services gets time to recharge their batteries between deployments, having a law which stipulates how precisely that is to be done is a very unwise thing to do.

Secondly, let me say that this problem involves the total number of people that we have in the service. We make decisions from time to time, and sometimes those decisions are right, hopefully most of the time those decisions are right, but sometimes they are not.

In 1991 and 1992, when we started to hear about the ''peace dividend,'' we decided, collectively, all of us together, some in disagreement, that it would be okay to reduce the size of the Army from about 18 divisions to the equivalent of 10. We collectively decided to reduce the number of people in the Army significantly, almost by half. So today we are operating with the equivalent of 10 divisions, made up in a different structure, a brigade structure; and today 20 of those brigades, Army and Marine brigades, are deployed in Iraq.

When the Commander in Chief and his military commanders in the field decide they need to make changes, they make them based on need, based on threat, and based on operational plans and operational capabilities. That flexibility must in this situation, in my opinion, be preserved.

So, while those of us on this side of the aisle certainly share the goals of the gentlewoman from California, this bill is most unwise and will do, as Mr. HUNTER said, much more harm than good to our troops in the field.

Mrs. TAUSCHER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend and colleague from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding and I rise in strong support of her legislation.

Mr. Speaker, there is no disagreement that we should do only what is right for our troops in the field and keep them safe, but there is a disagreement over the meaning of article I of the Constitution of the United States.

Conduct of the foreign policy of this country is not the exclusive purview of the executive branch, but for too long in this institution we have behaved as if it is. So this bill says that it is about time that the Congress of the United States took on our responsibility for assessing the problems in Iraq, took on our responsibility to provide for the common defense. Not to be a spectator as the executive branch makes these decisions in isolation but to be a thoughtful and full partner in that decision-making process.

It is very important for the Members to understand that if the President feels that there is an impairment to the national security of the country, he has the authority to waive the provisions of this bill. But, absent that, he should abide by it.

Please vote ''yes.''

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank my friend from California for yielding.

Mr. Speaker, I listened with interest to this debate. I think I will start with the constitutional side of this and what I believe is a disagreement and maybe a fundamental and real disagreement in the Constitution.

I will make this statement, that the Constitution grants Congress the

power to do three things with regard to war: One of them is to declare it, and that is clear; the second one is to raise an Army and a Navy and, by implication, an Air Force, and that is clear; and the third thing is to fund it. But there is nothing in this Constitution that says that we have the authority to overrule the Commander in Chief, nor to micromanage a war. Nor are there any 535 generals that are somehow or another empowered within article I or any other article of the Constitution it.

So when the gentleman says that it is a constitutional responsibility of Congress to conduct foreign policy, I would ask, where in this Constitution do you find that? I find that all vested in the powers of the President, where he appoints ambassadors, he sets foreign policy. Yes, with the advice and consent of the Senate on the confirmation, but it is the President's foreign policy, it is the President's State Department, and it is the President's military to command.

When we deviate from that, we put ourselves in the condition where our Continental Army was back before we established this Constitution. They knew what was wrong. The Continental Congress was trying to fight a war by consensus, and that is why we have a Commander in Chief, and we must adhere to that.

If you really want to give some rest to these troops, don't tell the President what he has to do. He is doing all he can to give our troops all the rest he can.

I just came back from there. Expand this standing, active duty military so that they can get some rest. Don't pull them out of the field. And if you are sincere about this, don't limit it to Operation Iraqi Freedom. Expand this globally. If you really mean it, they get tired wherever they are, in Afghanistan, Iraq and wherever they happen to be on the globe.

The President knows that. He cares about these troops. I looked him in the eye last week. He is doing everything he can. Everyone is a volunteer, and everyone is a volunteer not just for the military but for this mission. And you cannot separate your support for the troops from support of the mission. You must support their mission. If you are going to ask them to put their lives on the line for us, then you stand for their mission. The least we can do is wait for General Petraeus' report.

Mrs. TAUSCHER. Mr. Speaker, I would like to remind my colleagues that opposing this bill is to ratify the status quo; and if my colleagues choose to say that things are going just great, that we are not damaging our readiness, that we are not damaging the ability for the Guard to be home when they are needed by their Governors to do emergencies here, that we are not overstressing our troops, then I urge my colleagues not to support my bill. They are then ratifying the status quo.

Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank Mrs. TAUSCHER for this very important legislation, and I support it wholeheartedly.

I want to say to the last gentleman that spoke, it is because we support our troops, because we care about them and their families, that we support this legislation. 159,000 of our troops are currently deployed in battle to stabilize Iraq.

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On Tuesday, the United States Department of Defense reported that another 20,000 will be sent to Iraq for rotation duty.

In the meantime, our servicemembers continue to suffer through multiple deployments with little time for rest or to retrain. The DOD has continuously failed to meet the goal of deploying active duty troops for 1 year and allowing them to rest for 2, along with ensuring that Reservists are deployed for 1 year and rest for 5. This failure has often been called a backdoor draft.

Not only has ongoing multiple deployments had a detrimental physical and emotional impact on our troops and their families, but it also has hindered the Armed Forces' ability to reach its retention and recruitment goals. Namely, both the Army and Air Force have failed to reach their retention goals for the mid-career and career personnel. At the current rate, there will be few officers and enlisted soldiers left to lead. Who will be our next generation of soldiers? I urge all of my colleagues to vote in support of this legislation.

Mr. HUNTER. I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I recognize that this is a contentious issue. I also recognize that some of us will never agree on the question of Iraq and whether our presence there is justified. However, I believe there is common ground, and I introduced a substitute amendment during the Armed Services Committee that highlights the common ground.

My substitute amendment, which is modeled after Senator LINDSEY GRAHAM's alternative to what has come to be known as the Webb amendment, replaced the base text with a sense of Congress that the Department of Defense should strive to meet certain goals concerning dwell time between troop deployment.

My amendment maintained the goals that are outlined in the underlying bill. My amendment represents an alternative that touches on the issues that all of us, Republicans and Democrats, agree on. We all agree that our troops need to rest between deployment. We all agree that a rested fighting force is an effective fighting force. We all agree, hopefully, that these goals should not be limited to troops deployed to Operation Iraqi Freedom, which the underlying bill unfortunately does.

We all agree that this committee must continue, as it has done so effectively in the past, providing the resources to our troops that they need to do their jobs effectively and safely.

I believe this bill creates an unrealistic expectation on the part of our families and our military members. The bill does not define threat to national security interests, and the Presidential waiver is simply paperwork with no minimum standard.

I also believe this bill violates the separation of powers as defined in our Constitution. Unfortunately, the Democrat majority decided to consider this bill under a closed rule with no room for debate on alternatives.

Mr. Speaker, there is common ground on this issue, but, unfortunately, it is not represented in this bill, and I urge my colleagues to vote against H.R. 3159.

Mrs. TAUSCHER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman for introducing this legislation and giving me 1 minute.

Deployed, depleted, desperate. Deployed, depleted, desperate. A news article in the Raleigh, North Carolina, paper in April of this year, and I read: ''The volunteer military, especially the Army and the Marine Corps, has been ground down by endless combat deployments.'' Deployed, depleted, desperate. They desperately need this bill to pass so they can spend time with their families.

One other quick point. An Army study found that the more often soldiers are deployed, the longer they are deployed each time. And the less time they spend at home, the more likely they are to suffer mental health problems, such as combat trauma, anxiety, and depression.

I close by saying again, deployed, depleted, desperate. We have got to pass this legislation. God bless our men and women in uniform. As Barry McCaffrey said in the spring of this year, the Army and the Marine Corps are going to unravel if we don't help them.

Mr. HUNTER. Mr. Speaker, I want to address my remarks to the gentleman, for a second, to the gentleman who just spoke.

My son is a marine who is doing his third tour. He is calm. He is determined. He loves his country, just like all of his fellow marines. The constant illustrating or projecting of our Armed Forces as somehow victims is something that finds absolutely no truth when you go out among our uniformed personnel.

The Marine Corps has never been more effective. They have never had higher morale. They have excellent reenlistment rates. Interestingly, there are high reenlistment rates among the

people that are in combat. They are not deployed to the point where they are depleted, and they are not desperate and their families are not desperate.

With those happy words, I would like to yield 3 minutes to the gentleman from California (Mr. MCKEON), a member of the committee.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding, and I thank him and his family and son, especially, who joined the Marines the day after 9/11 and is now serving his third deployment.

I rise today in opposition to the cleverly dubbed troop readiness bill being considered. While none of us here want to be at war, the fact remains that we are. And we owe it to the honorable men and women in uniform to provide the proper tools, resources and atmosphere for victory.

So it is beyond my comprehension that my colleagues on the other side of the aisle must insist on limiting the authority of our military leaders and General Petraeus.

From the outset, this poorly crafted dwell time bill may have the faint appearance of trying to improve the readiness of units and quality of life of members in the Armed Forces, but it is just another example of the disingenuous goal masked by a clever name. In truth, the bill is a backhanded attempt to force an American withdrawal from Iraq.

In doing so, the bill limits the flexibility of the U.S. military commanders to conduct operations in the field and only prohibits troops deployed in Iraq. This is a point that should not be overlooked. The true intent of this legislation is obvious. There are mandates that only apply to the U.S. forces committed to Operation Iraqi Freedom. Afghanistan, another active theater in this war against terror, is not even mentioned. If this were a sincere effort on the part of my Democrat counterparts, it would apply to all deployments.

Mr. Speaker, the harsh realities in this bill would have lasting negative effects on our military and would inappropriately infringe upon the constitutional duties of the President of the United States as Commander in Chief. If this bill were to become law, it would paralyze our military. It would increase stress on our Armed Forces by reducing the pool of forces available and would intensify the risk of our soldiers remaining in Iraq. Moreover, it could theoretically extend the amount of time forces remain on the ground in Iraq, which would negatively impact the morale of our soldiers and their families at home.

Mr. Speaker, H.R. 3159 is bad policy, and I urge my colleagues to oppose it. Churchill once said in the midst of another war, ''Give us the tools and we will finish the job.''

Mr. Speaker, it is the duty of this House and of this Congress and of this Nation to give our men and women the resources they need to see this conflict through to the end. While our troops are fighting in Iraq, Democrat leadership is crafting thinly veiled legislation to weaken their ability to succeed, and I think we must ask ourselves why. I urge my colleagues to join me in opposing this bill.

Mrs. TAUSCHER. Mr. Speaker, I remind my colleagues that voting against this bill is to vote for the status quo.

At this time I am very happy to yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, to paraphrase an old ad, when ELLEN TAUSCHER and IKE SKELTON speak, I listen. They work together carefully on important legislation, and this is a piece of important legislation.

I don't know about others in this Chamber, but I am tired. We have been working all day and all night for weeks to try to get to an August recess after accomplishing as much as possible. It is 100 degrees outside. The humidity level is very high, but we are in an air-conditioned place.

In contrast to us, over 100,000 American troops, very brave kids, are in 120 degree weather with 40 to 75 pounds of equipment on their backs, bravely defending America. I think as tired as I am, this bill strikes the right tone and says that in order to fulfill our constitutional duty to provide for the common defense, our constitutional duty to provide for the common defense, we have to make sure that we have a ready military.

Mr. Speaker, we don't. It is broken. Every expert we have heard from knows that. Our failure to plan adequately for the post-military phase in Iraq and Afghanistan and elsewhere has created a broken military.

So I commend the sponsor of this bill and the others who have helped draft it. I am proud to be a cosponsor in the effort to state clearly that the kids we have sent into harm's way should get the rest and training they deserve.

I would close by saying there was a lot of conversation this morning about FISA and how we are at heightened risk and we are doing the wrong things. Well, I know what is the right thing to do about FISA, and I know what is the right thing to do about a broken military. Pass this bill.

Mr. HUNTER. Mr. Speaker, I am just constrained again, and I yield myself 30 seconds.

The military is not broken. The Army is not broken. The Marine Corps is not broken. This continued depiction of our military people as victims who are totally desperate, as the last Member of Congress who spoke on the other side depicted them, that they are somehow desperate, their families are desperate, they are ineffective, they are broken, is totally in error.

We have never had better morale. We have never been more effective. The interesting thing is the people who are reenlisting are reenlisting from the combat units. That means that they think that their mission has value, and that means that they have high morale.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I don't think you can find a single Member in this House who does not want the war in Iraq to end. We pray every day, every day that the war ends. And we are all so very proud of the brave men and women who serve us in the Armed Forces. We all want them to come home to their families safe and secure.

But unfortunately, the terrorists don't really care what we want. Like it or not, the terrorists' war against us is going to continue through the end of this administration and into the next. Whatever you think of George W. Bush, after his time is up, this war will not end.

I can understand the consternation that some have for the way the Bush administration has prosecuted this war. I can understand the desire of some who want to tie his hands. But for the life of me, I cannot understand why we would want to tie the hands of the next administration, of the next President, as he, or she, takes on the mantle of responsibility to lead our Armed Forces as Commander in Chief.

In fact, I just heard the other day one of the major Democrat Presidential contenders, Senator OBAMA, who said that as President he might order an invasion into Pakistan. This, of course, would be a major escalation of the war. How would this legislation affect his ability to do that? What impact would it have on our troops, because this legislation only refers to Iraq deployments.

Could some troops who just returned from Iraq, could they immediately be deployed to Pakistan by ''President Obama''. I believe it would allow that, regardless of their need for dwell time.

All of us need to think through everything we are doing and how our actions affect our troops and their families. Military families should not be given false hope of decreased deployments and longer dwell times, because any President forced to take on the tremendous responsibility of leading our Armed Forces in this war will just utilize the waiver provisions in this bill and make it meaningless.

You would think any President would just give their Secretary of Defense a blanket waiver. So really, what is the point of this legislation?

Mr. Speaker, in September, General Petraeus will be coming to Congress with his unvarnished assessment in his report on progress in Iraq. Recent reports fortunately have been more positive about the progress being made by our military; although, I will note that the lack of progress by the Iraqi Government on the political front remains a huge problem. The fact that the Iraqi Parliament is taking a recess is cause for great consternation.

But let us all pray that real progress is happening which will allow our troops to come home, and complete their mission and come home soon. I would ask my colleagues to wait to hear the assessment from General Petraeus and then make a judgment on how to move forward in Iraq. I don't believe this legislation is fair to our troops.

And I also want to make a point that I have very high regard and respect for my colleague, the gentlewoman from California, who brings this to the floor today. I do not question her motives for a moment on this, but I do urge my colleagues to defeat this legislation.

Mrs. TAUSCHER. Mr. Speaker, at this time I am very happy to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman for yielding.

I want to say as a marine combat veteran 40 years ago in Vietnam, I sometimes wonder, as I look around this Chamber, which Members would I follow into combat. Those of you who are sitting here now, those of you who are sitting here now, are you competent enough to lead soldiers into this very difficult human endeavor?

The troops are doing a stunningly competent job and they continue to do so. Are we as Members of this House doing a stunningly competent job to be thoroughly informed about the problems of the war in Iraq and the Middle East?

Part of our competence must be to understand the psychological and physical stress our soldiers in real combat must endure. Experience in combat, those of us who have been there, know how valuable that is to one soldier and the next soldier. But we as policymakers must come up with a policy, and we weigh that experience that is necessary with the physical and psychological endurance of those soldiers that is necessary.

Respecting the troops means we are responsible and competent in developing a policy that is worthy of those young men and women. I urge support for this legislation.

Mr. HUNTER. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Missouri (Mr. AKIN) whose son has served as a marine in Iraq.

Mr. AKIN. Mr. Speaker, I have to say in terms of sympathy, I understand the motivation I believe and the interest in our troops that this legislation is designed to deal with. I have two marines that are my sons. I have visited the one when he was in Fallujah. I talked to a number of their troops. I think I understand the stresses that are involved in warfare, also as somebody who served as an officer myself.

That said, however, I think there is a danger when we take a look at a specific problem and we try to micromanage a solution from the position of Congress. It didn't work during the War of Independence. And the tradeoffs as to whether or not you are going to leave somebody in theater longer, there are a lot of different factors that you have to balance and a lot of special situations.

To give you one that seems a little bit obvious, I suspect that General Petraeus and other generals have been in theater a pretty long time. They probably would have to get a special waiver from the President to do their jobs.

We understand it would be better if they could take a break and see their families more, but the specific situation in their situation calls for the fact that this sort of blanket rule we are going to top-down impose as Congressmen or Congresswomen doesn't make a whole lot of sense.

□ 1240

To try to set up a policy now and to hamstring all the military planners and to apply it just specifically to the situation in Iraq effectively reduces our options, makes it more complicated for us to get our job done, and effectively makes it so that we have less practical combat strength.

I think all of us have agreed that we've seen that we need more troops, and that's something that we need to deal with and have the courage to put that into the budgets in the future. But I think this is a micromanagement. While it may be inspired by good intentions, and I do know that there is a lot of stress on Marine families and Army families as well, I think this is the wrong to go, and I would urge my colleagues to vote ''no.''

Mrs. TAUSCHER. Mr. Speaker, I'm so happy to yield 1 minute to my friend and colleague, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlewoman from California for yielding.

Mr. Speaker, I rise today in very strong support of H.R. 3159, of which I'm a proud cosponsor.

I would like to thank the gentlewoman from California and the chairman of the Armed Services Committee for their leadership on this issue.

Just 14 months after returning from deployment in support of Operation Iraqi Freedom, the 833rd Engineer Company of the Iowa Army National Guard was again mobilized for combat duty in Iraq. The men and women of the 833rd have served with distinction. Yet, by providing inadequate and unpredictable rest between deployments, the Bush administration has broken our contract with our citizen soldiers. We have strained our troops, endangering both our men and women in uniform and our national security.

Our servicemembers must have the dwell time necessary to be fully rested, trained and equipped. This bill provides the rest and predictability necessary to ensure the health of our Armed Forces, and I strongly urge its passage.

Mr. HUNTER. Mr. Speaker, I yield to Mr. SHIMKUS, the gentleman from Illinois, 3 minutes.

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

Mr. SHIMKUS. Mr. Speaker, I thank the ranking member and my good friend, Congresswoman TAUSCHER.

This is a tough bill, and I appreciate it being brought to the floor. People know I come here heartfelt because of my 25 years connected with the United States Army. I don't like to throw that out. You know that. An Army Ranger and Army paratrooper, still an active reservist, but I have become frustrated that we are losing sight of why we have a military.

The mission of the United States military is to fight and win our Nation's wars. Now, many people don't want us to have a military, I understand that, but I think the best hope for democracy and freedom in the world today, even in our work with NATO, is a strong, powerful, committed, professional United States military, and we work on that with our NATO allies.

The mission of the infantry is to get close with and destroy our enemies. Destroy our enemies, to go after them and fight them and send down the message that we're going to fight you until you leave us alone.

Now, there are folks on the other side who don't want us to have that. I am one that thinks it's necessary to have in this country. So I don't think we're in conflict. I do think that we have lost some faith in our leadership in the military. I still have it. I still think our career military officers will make the tough call to deploy and use their troops.

I'm going a little bit slower than I hoped because I'm talking from the heart, but more than just the officer rank, it's the career enlisted leaders. In the Army, it's the command sergeant majors all the way up, from the commanding down to the first sergeant in the company. You have to believe that they will raise the issue about whether their troops cannot perform the mission. That is part of who they are. And when you fight in the trenches and you develop that bond that makes you an effective fighting force, how dare they not think about their soldiers first. I think they do.

I believe in the military. I think their heart's right, and our volunteer military is the best on the face of the earth today. I know we want to keep it that way.

I'm not sure this is the right way to go, but I just wanted to come down and talk from the military's perspective.

GENERAL LEAVE

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3159.

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

There was no objection.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm honored to yield 2 minutes to my friend and colleague, the gentlewoman from New Hampshire

(Ms. SHEA-PORTER) who's a cosponsor of this legislation.

Ms. SHEA-PORTER. Mr. Speaker, I thank the gentlewoman from California for the opportunity.

I stand here today in strong support of H.R. 3159. As a former military spouse and the proud wife of a veteran, I know how important this is to military families. The President's policies have failed on many levels, but they certainly have failed on the soldiers, the troops who are suffering this great strain right now.

I find it ironic that the Iraqi parliament is on vacation for a month while we stand here and tell our troops that they cannot have a break, that they need to stay in the field in the heat and keep fighting the battle for the Iraqis.

The Army's available, active duty combat brigades, along with 80 percent of the Reserves and National Guard, have served at least one tour in Iraq and Afghanistan; and the strain is starting to show.

Recruiting and reenlistment are down, especially in the Army which has reported about a 7 percent first retention drop, and we're having to offer greater bonuses to attract people. Reports of traumatic brain injury and post-traumatic stress syndrome are up; and this spring the Secretary of Defense announced that active duty soldiers can expect to spend more time in Iraq than they spend at home, with only 12-month breaks between 15-month deployments.

We hear a lot of talk from the White House about supporting our troops. That is what this bill does. This bill will support our troops by supporting their right to have a break from combat, and it will support our military families by protecting their rights to spend time with their loved ones.

I urge my colleagues, regardless of how they feel about this war and the President's policies, to support H.R. 3159.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 1 minute to my friend, colleague and neighbor from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me just say thank you to the gentlewoman from California (Mrs. TAUSCHER) for putting forth this bill, which I believe will take a significant step forward in ending this occupation in Iraq.

This administration professes to care about our troops, so let me tell you, why have about 250,000 of our troops served more than one tour? Tell me this, why have tours in Iraq been extended for all active duty Army soldiers from 12 months to 15 months?

I will tell you why. This administration, after nearly 5 years, nearly half a trillion dollars, and nearly 3,700 brave American lives, is willing to sacrifice the health and safety of our troops and the security of our Nation in a last-ditch effort to save face for its failed policies in Iraq.

Enough is enough, Mr. Speaker. The price is simply too high. The least we can do is give our troops this badly needed break. That's the least we can do.

I congratulate Congresswoman TAUSCHER for this legislation and urge my colleagues to support it. Our troops need this, and both sides of the aisle should vote for this in a bipartisan fashion.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 1 minute to my friend and colleague, the gentleman from Georgia, who is the vice chairman of the Subcommittee on Terrorism on the Foreign Affairs Committee, Mr. SCOTT.

Mr. SCOTT of Georgia. Mr. Speaker, I thank very much Mrs. TAUSCHER. It's such a pleasure to be here.

This is an extraordinarily important bill, and it is timely. I think it's very important to answer one of my colleague's questions about the constitutional responsibilities. It's clear in Article I, section 2, of the Constitution. Both James Madison as well as Hamilton concurred when they mentioned not only to declare war is the duty of the Congress, not only to raise the Army, but to support the Army. Those words are there, Mr. Speaker.

Now, I have been over to Iraq and Afghanistan and talked and looked at the soldiers themselves. I've gone throughout my district and talked to soldiers' families. The stress is in their eyes as you go.

I've gone to Landstuhl in Germany and sat with our soldiers on every trip. I've been three times over there and three times we've been to Germany and talked. The stress is there.

In the military report that was just issued, Mr. Speaker, it said that the extension of the duty, the longer the time and the stress of combat, the longer and the greater occurrences of psychological stress. Our Army may not be broken, Mr. Speaker, but it's at the breaking point, and we need to give ample time for our soldiers to come home and rest.

If you care about the soldiers, vote for this bill.

Mr. HUNTER. Mr. Speaker, I yield to Dr. GINGREY, the gentleman from Georgia, 3½ minutes.

Mr. GINGREY. Mr. Speaker, I want to refer to my colleague from Georgia who just spoke. I reference article II, section 2, of the Constitution where it says the President shall be Commander in Chief of the Army and the Navy of the United States and of a militia of the several States.

Mr. Speaker, I rise today in strong opposition to this legislation. It's rather outrageously being hailed by the Democrats as a readiness measure. Unfortunately, I fear this becomes nothing more than another attempt by this majority to pander to their liberal base and capitalize on public opinion polls by once again, this time a little more subtlety, attempting to draw down the troops in Iraq.

This is because the readiness provision within this bill apply only to troops returning from Iraq. While a unit which just completed a 15-month tour in Iraq could not be deployed for 15 months, they could be deployed to combat in Afghanistan or, for that matter, Mr. Speaker, anywhere else in the world tomorrow without any regard for dwell time or readiness.

Inexplicably, while we're engaged in a worldwide campaign against terror, this majority is only concerned with the readiness of the troops deploying to Iraq.

Further, Mr. Speaker, by legislating the military deployment cycle, this bill would hamper the Department of Defense and bar the deployment of units that may be needed to reinforce our efforts in Iraq. Any constitutional scholar would tell you that these decisions, by their very nature, are the job of the Commander in Chief, not 435 would-be commanders in chief.

Now, to get around these unfortunate facts, my friends on the other side of the aisle included in their bill a Presidential waiver. During consideration of the bill in committee, the dangerous implications it could have on our ability to fight and win this global war on terror were often dismissed by the Democrats, my colleagues on the House Armed Services Committee, because of the presence of a waiver in the bill.

In reality, Mr. Speaker, not only will this bill make it more difficult to prosecute the global war on terror, the waiver adds another layer of bureaucracy that could potentially disrupt the deployment preparation cycle.

Mr. Speaker, all of this comes, unfortunately, during a time when we are just now starting to see marked progress and the momentum swinging in our favor in Iraq. Sadly, what is great news for America and for our troops is consequently bad news for the Democratic majority and this defeatist attitude.

Just this week, a New York Times editorial authored by Mike O'Hanlon and Kenneth Pollack reflected this progress. Make no mistake, Mr. Speaker, these two men have steadily criticized the prosecution of the war and lack of progress in Iraq over the past 4 years. However, just this week they wrote, ''We are finally getting somewhere in Iraq, at least in military terms. Today, morale is high. The soldiers and the Marines told us they feel that they now have a superb commander in General David Petraeus; they are confident in his strategy, they see real results, they feel now they have the numbers needed to make a real difference.''

And thankfully, U.S. casualties in Iraq are the lowest in 8 months.

Mr. Speaker, I know we are all passionate about this issue, and I care deeply about our troops and our Nation, and I know Mrs. TAUSCHER and my colleagues on the other side of the aisle do as well. But now is not the time to risk impeding the progress that we are making. Now is the time to continue building on the turnaround we

have made in the Anbar Province and the improvement we are seeing in Baghdad.

I urge my colleagues to vote ''no.''

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank my good friend and thank her for her leadership on the Armed Services Committee; and to my friends on the other side of the aisle, it is great news that we have a new direction in the Armed Services Committee that takes seriously the issues of readiness and the quality of life for our troops.

Some would ask the question, troops are in battle, why are you worrying about the quality of life? Because my friend who cited the Constitution failed to recognize Article I, Section 8, that indicates that Congress does have the authority to declare war. Embodied in that declaration is a responsibility for our troops.

And might I refer my friend to the letter by the Reserve Enlisted Association which is thanking Congresswoman TAUSCHER for acknowledging the importance of rest time, rest time between battles. These soldiers are battle worn, mentally and physically. The first part of their duty they were over there with no equipment, no Humvees that were reinforced, no equipment that protected them from those weapons they were being shot at by. The Veterans for America emphasizes we are compounding the wounds of war.

When I visited Iraq, I would talk to individuals who are carpenters and painters. They were given a gun, and they were told to get into battle. Readiness is a key.

I just was home in my district, and a mother came to me crying. Her son is a naval Reserve officer who's been in the Reserves for some 20 years or so, 38 years old, is being handed a gun and said go off to war. There are disciplines and there are training that we must give to these individuals.

And just a few appropriation cycles ago, I offered an amendment dealing with the time frame for redeployment. We're seeing soldiers being redeployed once, twice, three times, four times with no rest. And so we have a balance here for active duty, Reserve, National Guard forces, and others.

We are clearly doing the right thing in this bill, and I ask my colleagues to support it.

Mr. Speaker, I rise today in strong support of H.R. 3159, the Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007. I would like to thank my colleague Ms. TAUSCHER for introducing this legislation, and the Chairman of the Armed Services Committee, Mr. SKELTON, for his leadership on this Issue.

Mr. Speaker, no issue will define this Congress more than how we handle the ongoing conflict in Iraq. In recent weeks and months, this Congress has taken definitive action to end what we, and the people of the United States, believe to be a conflict without tangible goals and targets. The American people made their views clear last November: The time has come to end U.S. military involvement in Iraq.

And yet, the Bush Administration has decided to instead increase the numbers of American soldiers in Iraq. President Bush's ''New Way Forward'' strategy, announced in January, calls for the deployment of over 20,000 additional U.S. combat forces, to be used to stabilize Baghdad and the Anbar Province. This is coming at a time when, according to an NBC News/Wall Street Journal Poll, 59 percent of Americans believe we should be reducing the number of troops in Iraq.

Mr. Speaker, at the heart of this effort are our brave troops, the men and women who courageously risk and too often lose their lives thousands of miles from home. The Iraq war has already cost over 3,500 American lives. More than 25,000 Americans have been injured. Thousands of U.S. personnel have lost limbs or suffered debilitating mental and physical injuries. Yet as casualties rise, the Bush Administration pushes for the escalation of American soldiers into the most hostile communities in Iraq. In addition to the enormous expenditure of lives, American taxpayers have paid more than $400 billion to sustain this misadventure.

When a soldier is deployed away from home for lengthy periods of time, his or her entire family suffers. Earlier this week, the United States Army released a report that stated that the children of enlisted soldiers are 60% more likely to be abused or neglected when a parent is deployed to a combat zone. The author of this study commented, ''The surprising finding was that the effect of deployment was so consistent. Just about any way we could divide the population, we found increased rates of child maltreatment during deployment. We looked at pay grade, rank, single or multiple deployments, whether the family lives on or off post—all showed increases.'' Researchers attributed this to the increasing trend of continuous deployment of our soldiers. As Chair of the Congressional Children's Caucus, I would like to register my strong concern about the impact this war is having on American children and families.

This bill, H.R. 3159, contains important provisions to ensure that those who are sent to fight in what I have always considered to be an ill-advised war have adequate time to rest and recover between deployments: time to spend with their families and loved ones, and time to recover from the mental and psychological problems that are all too common after combat deployment. As we continue to work here in Congress to bring this war to a speedy and comprehensive conclusion, I believe we must make every effort to provide consideration for those who bear the brunt of this Administration's ill-advised preemptive war in Iraq.

Mr. Speaker, I believe that our service men and women deserve enough time to rest and recover at home between combat deployments for Operation Iraqi Freedom. This legislation reaffirms the stated Department of Defense policy for deployment, which is currently being waived for Iraq, calling for a 1:2 deployment ratio for active duty and a 1:5 ratio for reserve soldiers. It continues to allow the President and the Chiefs of the Military services to waive these requirements, if unforeseen circumstances arise.

Four years after our ill-advised invasion, the evidence is clear and irrefutable: The invasion of Iraq, while a spectacularly executed military operation, was a strategic blunder without parallel in the history of American foreign policy. This is what can happen when the Congress allows itself to be stampeded into authorizing a president to launch a preemptive war of choice. It is time to rethink our strategy in Iraq, to encourage and engage in diplomacy, and to sit down with the various players in the Middle East and make real strides towards securing Iraq, the Iraqi people, and most importantly our most precious resource: the troops we love so dearly.

Mr. Speaker, I will continue to strongly oppose this war until we are finally able to end this conflict. In the meantime, I believe it is our responsibility, here in Congress, to make sure that those we send to fight and risk their lives in Iraq receive the very best care and services. This includes adequate time to rest and recover between deployments.

I strongly urge my colleagues to join me in supporting this legislation.

Mrs. TAUSCHER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend and colleague, the gentleman from Pennsylvania, Admiral SESTAK.

Mr. SESTAK. Mr. Speaker, this is a tough bill. We found out after Vietnam that, instead of rotating our forces, if we had just stayed there with the same force, as we did in World War II, our fighting would have been more effective and less lives would have been lost. But this war is different.

We found out in World War II that, on average, a man in that combat did 182 days of combat, horrific combat, but 182 days on average. In this war, in those 15 months, our men and women are overseas in Iraq. Every day of those 15 months those men and women go outside the wire, into combat. This is a different war.

I am taken, first and foremost, by the reports that more are coming home with post-traumatic syndrome. I am, second, taken with our constitutional responsibility to make rules for the government and regulation of our armed services. And then third, I'm taken by the waiver, the national security waiver that is placed within this bill that our national command authorities, the President and the Secretary of Defense may waiver for national security reasons the requirement to send troops forward if they have even been home less than they were in combat.

Our national command authorities every day must approve every deployment. They must, therefore, only turn to us and say it is a national requirement that they must redeploy less than they have been over there in Iraq.

□ 1300

This is a different war, and I am glad to see we are taking seriously our responsibility to provide for the rules,

the regulation, the government of our armed services in what is truly a different war and yet give our President the right to ensure that the risks are weighed for a national security waiver.

Mrs. TAUSCHER. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentlelady from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. I would like to thank my colleague, Mrs. TAUSCHER, for her leadership on this committee and on this issue. When I went to Congress, I never thought that I would be deploying troops or welcoming caskets back to my congressional district. What I am learning is most of the young men and women who get killed in Iraq are on their second or third or fourth tour. Clearly it must indicate that they need some rest and down time.

I am here to say I understand, Mr. Leadership in the military, you think you know what you are doing, but I am telling you I sit with mothers and fathers and sisters and brothers and aunts and uncles who have lost people in the military. If all it takes to help them save their lives is to give them some rest, give them some rest.

Does it need to be mandated? Apparently so. Let's mandate it. Let's give our young men and women the time they need, down time, to be able to do a good job. I support your resolution and am glad to stand up with you.

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

Mr. Speaker, what I continuously hear from my colleagues on the other side of the aisle are arguments that speak for poor Pentagon planners that are going to have to work a little harder to put units together and handcuffing the Commander in Chief.

Let me remind my colleagues that this Presidential waiver, which is inside of this bill, is not only substantive, but it is there to prevent further degrading of our military readiness. I think we all understand that we have heard from people like General McCaffrey, who most recently reported to Congress that 88 percent of nondeployed Army Guard units are rated not ready or poorly equipped, that the Army is overextended, and that we will soon be unable to meet our Homeland Security commitments and meet any new threats if we maintain the current abusive and untenable dwell-time policy.

The question for the Members of the House today is who do you stand for. Do you stand for military planners or other members of the Pentagon who have the executive branch to speak for them, or do you stand with the American people, the families of our troops, and the troops themselves, to be sure that we increase our readiness to make sure that we honor their service and their valor and their sacrifice by making sure that they are not only retrained and ready, but they have time to be home with their family before they are redeployed.

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

Mr. HUNTER. Mr. Speaker, could you tell us how much time we have left.

The SPEAKER pro tempore. The gentleman from California has 1 minute, and the gentlewoman from California has 3½ minutes.

Mr. HUNTER. Mr. Speaker, let me make this point: we are in two warfighting theaters right now, Afghanistan and Iraq. We have troops deployed.

We are, by all accounts at this point, doing well in those warfighting theaters. Somebody stays in battle space. For the gentlelady who asked me, who do you stand with, the planner in the Pentagon, or the troops in the field, I would answer very firmly, I stand for the troops in the field. I stand for that marine corporal who needs to have that gunnery sergeant, who's been there before, who understands how you avoid that roadside bomb, who understands how you approach that village, who understands how you work that cannon, who understands how you interrogate people without risking your own troops.

That comes from experience, and the idea that we are going to deny these experienced, noncommissioned officers, these old hands whose experience can make the difference between life and death because their meter didn't expire when they were back home, and they only got 6 months' worth of dwell time in country, rather than 7, is the wrong reason to vote for this bill.

Please oppose this bill, readiness mandates, with a ''no.''

Mrs. TAUSCHER. Mr. Speaker, I want to respond to my colleague, because I think it's important that we make sure that we have everything on the table and that we are very clear about who we are standing for and who we are putting the burdens on.

What is clear to me is that we have the finest military in the world, that we have men and women, sons and daughters, spouses, brothers and sisters, employees, friends and neighbors that have decided to give their country their time, ultimately, perhaps, pay the sacrifice, the ultimate sacrifice, and go fight for the American people and their ideals to protect us here at home.

We have an opportunity today to do what is right, to do what the Pentagon has not done for many reasons. I know my colleagues want to make this about the Iraq war, but I know this is really about our families and our troops.

If we cannot guarantee them some predictability for their dwell time at home, for retraining and rest, we are going to continue to degrade the readiness of our military. We are in no shape in this very dangerous world to continue on that path.

Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentlelady from California (Ms. WATERS).

Ms. WATERS. I would like to commend the gentlelady from California for the tremendous work that she has done, not only to deal with all of the problems of our being in Iraq, but for bringing this legislation to the floor.

The U.S. has been at war in Afghanistan since October 7, 2001, and in Iraq since March 19, 2003. Since that time, over 1 million troops have been deployed to Iraq, in total, with 500,000 having been deployed at least twice. These numbers are rapidly growing at the detriment of the military. There are currently 160,000 troops on active duty in Iraq.

To keep up this level of deployment with an all-volunteer military, the administration is cutting corners on previous rules on troop deployment limits and rest times. Our military is being ground down to the hilt, and it's near the breaking point.

In recent briefings, Major General Batiste said young officers and noncommissioned officers are leaving the service at an alarming rate. Equipment is in dismal shape, requiring hundreds of billions of dollars to refit the force to preinvasion conditions. Active duty companies preparing for deployment to Iraq within the next 6 months are at less than 50 percent strength, are commanded by young and sometimes inexperienced lieutenants, and are lacking the equipment needed for training. Our all-volunteer force cannot sustain the current attempt for much longer.

The lack of deployment limits and dwell times have taken an incredible strain on the individuals who have been asked to shoulder this burden. Post-traumatic stress disorder and similar illnesses are significantly amplified by enduring or repeated deployments to Iraq.

Consequently, our men and women in uniform are returning with levels of mental illness not seen since Vietnam. According to a recent study by the Department of Defense, 49 percent of National Guardsmen report mental health problems. Let us not forget the hidden casualties of the war in Iraq, the families.

Ms. ESHOO. Mr. Speaker, I rise in support of this bill to provide minimum ''dwell-time'' for our troops who have served in Iraq.

Madam Chairwoman, I opposed the war in Iraq from the outset and will continue to do so.

In 4 years, the war has done great damage to our global prestige, our national morale, and our national security. More than anything, it has damaged our military and their families.

It is Congress's duty to ensure that our troops are treated with respect and that they have resources for the missions they perform. Equally important, it is Congress's job to ensure our troops have the rest and training they need. With this bill, we will do right by our military personnel and their families by ensuring they have adequate time at home between deployments.

The Defense Department has established a goal to provide active duty service personnel

with 2 years at home between each year they are deployed, and 5 years at home for every year of deployment for reserves.

Regrettably that goal has not been achieved. In fact, the policy has been waived by the Defense Department for those serving in Iraq.

In the last 4 years our troops and reserves have shouldered the burden of multiple deployments overseas with professionalism and courage. The strain on them and their families grows with each day they are away from home, yet tours of duty have been extended time and again. Just this past April, Secretary Gates announced that tours of duty for the Army would be increased from 12 months to 15 months.

The strain is not only being felt by our troops and their families, it's also affected the Armed Forces, particularly the Army, in meet recruiting and retention goals.

With this bill, we call for time between deployments for active-duty personnel in Iraq to equal to or exceed the length of their most recent deployment. For National Guard and Reserve units and members, the bill calls for time between deployments of at least three times longer than the length of their most recent deployment.

This may seem like a small step, but for our troops it's essential.

I urge my colleague to vote yes on this bill.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 3159 and thank Congresswoman TAUSCHER for her leadership.

We have had a lot of disagreement on the occupation of Iraq. There is one thing we all agree upon, however—the support of our troops.

The toll that has been taken on our men and women in uniform is unimaginable. They have volunteered to sacrifice so much in service to their Nation.

Unfortunately, political decisions by this administration have prevented us from bringing this misguided occupation to an end.

Today, we try to fulfill our commitment to the brave troops who are out there serving on the front line. The least we can do is to ensure that every service member gets the right amount of training and rest. It is our moral obligation.

I support H.R. 3159 and look forward to the day when we can bring our troops home for good.

Ms. WATSON. Mr. Speaker, we have had some fierce debates here in the Congress about our occupation of Iraq. Many Republicans insist that redeploying our troops from Iraq will lead to failure there. My Democratic colleagues and I see it much differently. We see clearly that our continued occupation is a debacle that prevents Iraqis taking control of their own nation and destiny.

But what Democrats and Republicans can agree on is that Iraq is not America's only national security concern. America faces several potent strategic challenges: al Qaeda. Afghanistan. Iran. North Korea. If we continue to exhaust our military in Iraq, we risk being at a disadvantage facing these other dangerous threats.

This bill ensures that our troops get the rest, recuperation and retraining they need to be most effective. If we fail to provide our troops with the time they need to rest, refit, and retrain at home, we are putting them at a disadvantage when they return to theater.

Furthermore, the common sense provisions in this bill mean that we are paying attention to another group that has borne the brunt of this war: our soldiers' families. It has been said that there are two ways to break the military: you can break the soldier, or you can break the family. Our troops agreed to accept a certain level of hardship when they enlisted. The least we can do in return is make sure that we have their back, and are giving them the time they need to recuperate.

The strength of our armed forces comes from the strength of our men and women in uniform. If we fail to pass this bill, we risk weakening American national security. We face a host of threats beyond Iraq. Pass this bill to keep America strong and prepared.

Mr. PAUL. Mr. Speaker, I rise in support of this legislation to provide some Congressional oversight over the deployment and maintenance of our troops stationed overseas. As the Constitution states in Article I Section 8., Congress has the power "to make rules for the government and regulation of the land and naval forces," and therefore Congress has an obligation to speak on such matters. I have been and remain extremely concerned about the deployment extensions and stop-loss programs that have kept our troops deployed and engaged for increasingly extended periods of time. My constituents who are affected by this policy have contacted me with their concerns as well.

The legislation at least seeks to provide some guidance and relief to our troops who have been stretched to the limit by the increasing duration of deployment overseas and the decreasing duration of time back home between deployments. Several military experts, including General Barry McCaffrey, have commented on this problem and the challenges it poses to the health and safety of our troops.

Although I am voting for this bill, I am increasingly concerned about Congress's approach to the issue of our continued involvement in Iraq. Rather than a substantive move to end the US military presence in Iraq, this bill and others that have passed recently seem to be merely symbolic moves to further politicize the war in Iraq. Clearly the American public is overwhelmingly in favor of a withdrawal from Iraq, but Congress is not listening. At best, the House seems willing to consider only such half-measures as so-called re-deployment. We need a real solution that puts the safety of our troops above politics. We need to simply bring them home. As I said recently on the Floor of the House, we just marched in so we can just march out.

The proper method for ending the war is for Congress to meet its responsibility to deauthorize and defend the war. Micromanaging a troop deployment is not the answer since it overstays the bounds of Congressional authority.

Mr. HOLT. Mr. Speaker, the House is taking action today to bring some sanity back to our military deployment and rotation policies. I intend to vote for this bill.

We all know that because of these repeated deployments, the divorce rates of military families are up, and the financial burdens faced by our Guard and Reserve families have been enormous. While this bill cannot address all of the deployment-related problems confronting our military families, it would address one of the most glaring: insufficient down time and retraining between deployments.

If this bill becomes law, it would mandate dedicated periods of time between deployments for all servicemembers. For active duty personnel, the intervals between deployments would have to be at least as long as the last deployment itself. For our Guard and Reserve forces, the interval between deployments would have to be at least three times the length of a servicemember's last tour.

Every Member of this House can tell multiple stories they've heard from servicemembers or their family members about the toll that these multiple, sometimes back-to-back deployments take on our military families. Let me quickly relate one story I've heard, one of many reasons I'm voting for this bill today.

Bill Potter is an attorney and lecturer in politics at both Princeton University and Rutgers University. Just over a year ago, he wrote an op-ed in the Trenton Times regarding the situation of his nephew, a Marine Corps captain, who had been blinded in his right eye after being fired on by an Iraqi policeman-turned-insurgent—one of many Iraqi policemen-turned-insurgents that we have trained and armed with an inadequate counterintelligence effort by the Iraqi government to weed out such bad actors.

Bill's nephew is a remarkable young man. Wounded twice in Iraq on his first tour in 2005, recovered sufficiently to go on a deployment to the Pacific in 2006 and is now facing the prospect of a second tour in Iraq beginning in January 2008—and of leaving his now nine year-old son behind for a third time in as many years.

This young Marine—like so many others—has already paid too high a price for this President's misguided war in Iraq. This bill, if enacted, would at least give our servicemembers and their families some real down time between deployments—time to reconnect with each other, and time for these gallant Americans to get the rest and refresher training that they will need to face the future. It's for all of those reasons that I'm voting for this bill, and I urge my colleagues to do the same.

Mr. WOLF. Mr. Speaker, I went to the Rules Committee yesterday for the fourth time since January asking that my amendment be made in order to allow the House to discuss and vote on the recommendations of the bipartisan Iraq Study Group as the way forward in Iraq.

For the fourth time this year, the Rules Committee said no. I can only assume from that action that the Democrat leadership instead prefers to continue to lock down the House and deny the opportunity to take the bipartisan road on Iraq policy.

On the question of finding solutions in Iraq, this House cannot continue to just blindly follow the White House or the leadership of the Congress.

The Washington Post has editorialized that the debate on Iraq in recent weeks is all about political gamesmanship. Every member in this House knows that's true and that is what's been going on here. More importantly, I believe that the American people know what's going on. Just look at the polls on where Congress stands.

We owe it to the men and women in our armed forces who are putting their lives on the line every day in Iraq to at least take the time to discuss the recommendations of the Iraq Study Group.

We also owe it to their families.

We need to have a honest, true debate on the recommendations of the Iraq Study Group.

To not vote on the recommendations of such a distinguished group that took over eight months looking at this issue and talking to dozens of military officers, regional experts, academics, journalists and high-level government officials from America and abroad just doesn't make sense. Take a look at the Iraq Study Group report for the extensive lists of those who advised the ISG, including the military senior advisor panel—retired Navy Admiral James O. Ellis, Jr., retired Army General John M. Keane, retired Army General Edward C. Meyer, retired Air Force General Joseph W. Ralston, and retired Army Lt. General Roger C. Schultz, Sr.

As I have said time and time again, the Iraq Study Group is the way forward and what I believe is the best and most appropriate way to be successful in Iraq.

It was bipartisan and all of its 79 recommendations were unanimous.

Two of its members—Lee Hamilton, the co-chair, and Leon Panetta—served in this body. Two others—Alan Simpson and Chuck Robb—served in the Senate.

Co-chair Jim Baker and Lawrence Eagleburger served as secretary of State.

Bill Perry was President Clinton's secretary of Defense.

Bob Gates served on the panel for seven months—stepping down to become the current secretary of Defense.

H.R. 2574, the Iraq Study Group Recommendation Implementation Act of 2007, which was the basis of the amendment I asked to be made in order under the bill we are debating today, has 59 cosponsors—34 Republicans and 25 Democrats.

We all know the war has created a bitter divide in our country. The ISG allows us to come together.

I will say it again: the best way forward is for both the Congress and the president to embrace the recommendations of the Iraq Study Group.

Mr. Speaker, in the final analysis, it comes down to doing the right thing. The question is, when will the leadership in Congress show the courage that the American people expect and do the right thing—not for me or for the members of this House, but for the thousands of brave men and women serving in uniform, their families and the good of our country?

Mr. CONYERS. Mr. Speaker, I rise in support of this bill.

We continue to fight to end the war in Iraq. However, in the meantime, we must ensure that our troops are provided with the time to return home, rest, recuperate and train before they return to battle. Our troops have risked their lives and Congress has a responsibility to stand up for them.

The legislation we are considering today strengthens the American military by mandating minimum periods of rest and recuperation for units and members of regular and reserve components of our Armed Forces between deployments. The bill states that if a unit or member of a regular component of the Armed Forces deploys to Iraq, they will have an equivalent amount of time at home before they are redeployed.

The legislation will help alleviate a significant military readiness crisis. When the Bush Administration took office in 2001, all active duty Army divisions were rated at the highest readiness levels and were fully manned, equipped, and trained. Now, the Administration's failed policies in Iraq have depleted our military and put a tremendous strain on our troops. Already, an estimated 250,000 soldiers in the Army and Marine Corps have served more than one tour in Iraq and each one of the Army's available active duty combat brigades has served at least a 12-month tour in Iraq or Afghanistan. And this spring, the Defense Secretary announced that all active duty Army soldiers would have their tours in Iraq extended from 12 to 15 months.

The war in Iraq has had disastrous consequences for our Armed Forces and our troops. By reducing the stress on our men and women in uniform and ensuring they get the training they need to stay safe, this legislation makes support for the troops into more than an empty slogan.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 601, the previous question is ordered on the bill, as amended.

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. HUNTER

Mr. HUNTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HUNTER. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hunter moves to recommit the bill H.R. 3159 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendments:

In subsections (a)(1) and (b)(1) of section 2, strike ''No unit'' each place it appears and insert the following: ''Subject to section 3, no unit''.

Add at the end of the bill the following new section:

SEC. 3. CERTIFICATION REQUIREMENT.

Subsections (a)(1) and (b)(1) of section 2 may not be implemented unless the Secretary of Defense certifies to the President and to Congress that implementation of those subsections—

(1) would not cause the tour length of any deployed unit (or members assigned to that unit) to be extended; and

(2) would not increase the operational risk to any deployed unit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. HUNTER. Mr. Speaker, thank you. I want to thank my colleagues on both sides of the aisle for their decorum during this debate and for their true interest and their motivation in support of our troops.

We all want to conclude this war. We all want to do everything that we can for military families. We simply have a difference of opinion as to whether or not mandating certain rest periods before a soldier or a marine can go back to battle is in the interest of the war fighting troops.

My answer is, it's not in the interest. It will not raise their morale. What it will do is it will deprive our war fighting troops. It will deprive that corporal, it will deprive that squad in Fallujah or Baghdad or up in Mosul. That experienced old hand, that NCO, who is in the military for a career, and who knows that particular area, and he knows how to avoid roadside bombs, and he knows how to interrogate insurgents, and he knows how to approach a certain canyon so that you don't expose yourself to fire. He won't be there if the gentlelady's motion passes, because he will only have spent 6 months instead of 7 months back at Camp Pendleton, and he won't be available to move to the field of battle.

Now, you know, this is a war of specialties, and I notice that one thing that the majority did, which I think was a good move, was that they excluded the special operations forces from this particular law. The reason they excluded them is because they are special operations forces who have to move back and forth in the theater and have to move out of the theater on a regular basis, sometimes going back and forth between Afghanistan and Iraq, because they have specialties which mean life or death to our war fighters in both of those theaters, and they can't be held back, chained back by this law.

I have got news for my colleagues. There are a lot of people in the regular forces whose presence also means life or death to the combatants in those forces. You have to have experience.

Even the line units are full of specialties. If you have a person who is an expert in roadside bombs, and he comes back after a 7-month tour, if he is a marine, or after a 1-year tour, if he is an Army soldier, he comes back and he gets the latest schooling on a jamming device that will keep that 152 round from blowing up, that roadside bomb, and destroying a Humvee and destroying American soldiers.

He has that capability. But he now cannot go back into theater because the Tauscher amendment has passed, and he can't be deployed. So he stays here with that particular insight, that particular capability, and probably the Marines or the Army will rush a team in. They will try to give them a fast learning period and rush them in, to be a poor substitute for this guy who really has the expertise of telling our people how to jam those signals that detonate those deadly roadside bombs.

Now, what if we need decontamination, we have got a decontamination team in the regular military. They can't go over unless they get a waiver from the President.

Well, it was argued that these waivers will be easy to get. But you know the Marines have told us that they can't plan for a waiver, because they can only follow along. The law will say you can't go.

I have got a picture that I have kept in the Armed Services Committee for a

long time, as the former chairman of the committee, and now ranking member, serving alongside my great friend, Mr. SKELTON.

□ 1315

It is a picture of a 5-ton truck that was struck by a Humvee with a particular armor equipment and an armor package that this committee sent those soldiers. And there is a letter attached to it and it is a letter of thanks that says, ''Thanks to you on the Armed Services Committee for making sure that we got this armor.'' And this was after this 5-ton truck has been blown up. And it said, ''We owe our lives, the fact that all eight of us were able to escape, to you on the Armed Services Committee,'' but it also says, ''to our gunnery sergeant.'' That gunnery sergeant that had the capability, that had that certain expertise of being able to do what it took to make sure that all eight of his people survived.

Mrs. TAUSCHER has said, who do you stand with, the big Pentagon planners or the troops?

The worst thing you can do, Mrs. TAUSCHER, for my son who is on his third deployment, or anybody else's son, is to take away that gunnery sergeant or that senior NCO or that expert who can stand by their side and help them to survive in this very dangerous warfighting theater.

Please vote for this motion to recommit. This motion to recommit says that you cannot make this law certain unless you——

The SPEAKER pro tempore (Mr. LYNCH). The gentleman's time has expired.

Mr. HUNTER. I would ask the gentlelady for 30 additional seconds.

Mrs. TAUSCHER. I don't have the time, sir.

Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, I want to make it very clear what this motion to recommit does. This motion to recommit guts our bill and prevents us from giving the dwell time necessary to our troops so that they are not overcommitted, that they can be rested, that they can be retrained, and that they can be resuscitated and spend time with their family.

This motion to recommit prevents us from having the readiness that we need for our national security. It prevents the 50 Governors from having their National Guard back home and rested, with good equipment, to deal with contingencies here at home.

This motion to commit is just another delaying tactic by the minority to deny our troops the dwell time that they need to train, equip, and rest.

The best part about this is the motion to recommit is absolutely unnecessary. If the Secretary of Defense determines that the proposed dwell times in this bill will cause tour lengths of currently deployed units to be extended, or increases the operational risk to deployed units, the underlying bill already provides the President's ability to waive the deployment mandate.

So this motion to recommit is not necessary. It is, once again, perhaps the last fig leaf on the last fig tree that my colleagues can find to not stand with the troops and their families to provide them the dwell time they need at home to be ready for the next deployment.

At this time, Mr. Speaker, I close by saying I urge my colleagues to defeat the motion to recommit and vote ''aye'' on H.R. 3159.

I yield to the chairman of the committee.

Mr. SKELTON. Mr. Speaker, I rise to oppose the motion to recommit offered by my friend, my colleague from California who has served with me through the years on the Armed Services Committee.

The ground forces of the United States in particular are being stretched and strained as never before. For instance, during the Second World War, those that were involved with active combat after 3 or 4 months at the most would be taken off line for rest and recoupment. The young men and young women today that are in Iraq are on point in combat and now are extended up to 15 months. I think this bill helps alleviate that point and helps keep the readiness at a higher level.

The stretching and straining of the ground forces, in particular the Army, will have a breaking point. We already know about the equipment shortage of nondeployed units. Why stretch these young people? Why not bring them home? This is a reasonable proposal, reasonable, and should be enacted into law. And, as the gentlelady from California points out, should there be any problem with any unit, there are waivers provided for in this legislation.

This is simple and straightforward. It is about protecting our military readiness, it is protecting the health of the troops and, by the way, helping those families recoup with their loved ones as they come back home with predictability, knowing when they will be home and knowing when they will be due to be deployed once again.

So I find myself having to vote against this motion to recommit for all those reasons: the families, the troops, and the need for predictability; and I compliment the gentlelady on this proposal to bring about predictability for our troops.

Mrs. TAUSCHER. Mr. Speaker, I urge my colleagues to defeat the motion to recommit, which will deny our troops the dwell time that they desperately need and will deny the American people the readiness in their military. I urge my colleagues to support H.R. 3159, and vote for its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 3159 will be followed by 5-minute votes on passage of H.R. 3159, if ordered, and the approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 217, answered ''present'' 1, not voting 7, as follows:

[Roll No. 795]

YEAS—207

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
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
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
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
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED ''PRESENT''—1

King (IA)

NOT VOTING—7

Clarke
Crenshaw
Davis, Jo Ann
Ellison
Johnson, Sam
Oberstar
Walz (MN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1344

Messrs. OLVER, CUELLAR, JOHNSON of Georgia and AL GREEN of Texas changed their vote from ''yea'' to ''nay.''

Mr. CAMPBELL of California and Mr. MORAN of Kansas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. TAUSCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 229, noes 194, answered ''present'' 3, not voting 6, as follows:

[Roll No. 796]

AYES—229

Abercrombie
Ackerman
Allen
Altmire
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
Carson
Castle
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
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
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
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—3

Davis (KY)
English (PA)
Murphy, Tim

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Ellison
Johnson, Sam
Oberstar

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1353

Ms. BERKLEY changed her vote from ''no'' to ''aye.''

Mr. TIM MURPHY of Pennsylvania changed his vote from ''no'' to ''present.''

So the bill was passed.

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.

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

RECORDED VOTE

Mrs. TAUSCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 232, noes 186, answered ''present'' 2, not voting 12, as follows:

[Roll No. 797]

AYES—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Forbes
Frank (MA)
Gerlach
Gillmor
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
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Rahall
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
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Altmire
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
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
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Gohmert
Tancredo

NOT VOTING—12

Clarke
Crenshaw
Davis, Jo Ann
DeFazio
Ellison
English (PA)
Johnson, Sam
Marshall
Oberstar
Rangel
Schmidt
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1400

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHMIDT. Mr. Speaker, I missed the last vote due to an appointment. Had I been present I would have voted "no" on the Journal.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 599 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 599

Resolved, That during further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, the bill shall be considered as read. No further debate on any pending amendment shall be in order. A further period of general debate shall be confined to the bill and shall not exceed 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. 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. Notwithstanding clause 11 of rule XVIII, no further amendment shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, 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. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

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

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California, my very good, good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 599.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 599 provides for further consideration of the FY 2008 Agriculture, Rural Development, Food and Drug Administration appropriations.

Mr. Speaker, I rise in support of the rule, and I rise in strong support of the underlying bill.

I want to thank my dear friend from Connecticut, ROSA DELAURO, the chairwoman of the Agriculture Appropriations Subcommittee for her work on this bill and her passion for fighting hunger in this country and around the world. I also want to commend Ranking Member KINGSTON and Chairman OBEY and Ranking Member LEWIS for all of their efforts and their hard work.

I very much regret that we have gotten to this point. I do not take the idea of structuring debate on appropriation bills lightly. Unfortunately, we have gotten to the point where structuring debate on the Agriculture appropriations bill is the only way to pass the bill before we break for the district work period.

As the distinguished majority leader so eloquently noted the other day, we have spent hours and hours and hours, beyond historical norms, to complete our work on the appropriations bills. Last June, Democratic and Republican leaders came to an agreement that, in exchange for allowing full and fair debate with up or down votes on dozens of amendments, Republicans would allow the appropriation bills to proceed through the House. We have been able to come to unanimous consents to consider those bills, and they have largely passed with large bipartisan majorities.

Now, I know that some of my friends on the other side of the aisle were upset with the process used to consider the SCHIP bill, and after our discussion in the Rules Committee last night, I understand their concerns. But they have decided to use that frustration as an excuse to prevent completion of our important appropriations work, and we do not believe that that is in the best interest of the Nation. Clearly, my friends on the other side have decided to abandon the June agreement, and that is their right. But it is our responsibility, in the majority, to complete these bills in a timely way.

Unfortunately, it has become clear that a small number of Members on the other side was willing to use a filibuster-by-amendment strategy to shut down the House and prevent us from completing our work. Mr. Speaker, if Members wish to filibuster bills, they should run for the United States Senate.

There is a difference between serious legislating and obstructionism. And I believe that offering amendments to cut bills by $50,000 and then $100,000 and then $101,000 and so on, and debating these bills forever and ever and ever and using procedural mechanisms to unjustifiably delay the consideration of bills, not to move serious legislation forward, but to delay the consideration of bills, I think that's obstructionism. And I think what we saw on the floor the other day was obstructionism.

This rule makes in order 12 amendments, all of them Republican amendments on a variety of issues. Many of what I would call the ''usual suspect'' amendments were made in order, amendments by members of the Republican Study Committee to cut certain programs in the bill, an amendment to cut funding across the board, an amendment from my good friend, Mr. FLAKE, to eliminate earmarks.

Mr. Speaker, I also regret that tensions have risen over the last several days. Perhaps it's inevitable before a break, and perhaps it's the heat and humidity, but I hope that all of us can come back after Labor Day refreshed and rededicated to doing the people's business in a civil way.

Mr. Speaker, HILLARY CLINTON says ''it takes a village.'' Maybe for us it takes a recess. In this business, your word is everything; without it, there is no trust. And without any trust, this would be a very, very unhappy place to work.

I thought we had a very good discussion in the Rules Committee last night. I believe we understand each other and where we're coming from a bit better. I know my friend, Mr. DREIER, and other members of the Rules Committee are eager to look for ways that we can make this process better. They have my word and I think the word of all of us on the Democratic side that we want to work with them to make that happen.

In the meantime, however, we have a responsibility to do the people's business. And the rule before us allows us to do that in an orderly way that allows for vigorous debate and votes on amendments.

So, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

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

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

Mr. DREIER. I begin by expressing my great appreciation to my friend from Worcester for yielding me the customary 30 minutes.

I have to ask myself exactly why it is that we are here. One might think that this is Groundhog Day. We've already passed a rule on the Agriculture appropriations bill, and I would say to my friend, we've already passed the so-called SCHIP bill, which proposes a cut for seniors on the Medicare program and a massive tax increase for people all across this country and perpetuates this generational warfare challenge. That bill is behind us.

We have not had a single dilatory motion that I've seen since passage of this SCHIP legislation, and yet the Rules Committee chose last night to do something that, from all of the research that we have done, has never been done in the history of the Republic.

It is true that on occasion we have, after lengthy debate, come back with second rules when we were in the majority. For example, in 1995, we came back with a rule on the Interior appropriations bill that, by the definition of the new majority, would have been defined as an open rule. It simply said there would be a preprinting requirement that was put in order for all of the other amendments that would be offered during the measure.

Mr. Speaker, never before have we seen a rule on an appropriations bill come from the Rules Committee to the floor that self-executes one amendment. But this rule doesn't self-execute one amendment; it self-executes six amendments. This has never, ever been done.

We did, as my friend from Worcester said, have an interesting long discussion last night. We were here until nearly 3:30 in the morning yesterday, and then we had a lengthy discussion as we were waiting for votes here on the floor last night up in the Rules Committee. And I talked about the fact and my colleagues on our side talked about the fact that this was unprecedented. And Mr. HASTINGS, the gentleman from Fort Lauderdale, said, oh, well, will the world come to an end? The world isn't going to come to an end. But one of the great privileges that I have is working with our colleague, DAVID PRICE, on our House Democracy Assistance Commission. And we are, right now, engaged with 12 new and reemerging democracies around the world. I like to argue that one election a democracy does not make.

It's really hard work building democracies. And in countries like Lebanon, Afghanistan, Liberia, Kenya, Macedonia, the Republic of Georgia, the Ukraine, Haiti, Colombia, East Timor, Indonesia, Mongolia, countries that are moving towards democracy or have relatively young democracies, we have been working with their new parliaments because we know how important it is to have parliaments that have committee structure, oversight of

the executive branch, libraries, members who can work to provide constituent services. That's what this 20-member Commission that DAVID PRICE now chairs, and I'm privileged to serve as the ranking minority member on, has been working on.

What we've done, Mr. Speaker, is we've said we have a 220-year history in the United States House of Representatives. We don't claim to have a corner on the truth, we don't know exactly how it's done, but we do have experience. And Mr. Speaker, it saddens me greatly that as we continue to work with these new and reemerging democracies for these countries that are just beginning to have a taste of political pluralism, the rule of law, and the opportunity to build democratic institutions, that we, today, are once again restricting the opportunity that the minority has had.

I will say that my friend has talked about breaking an agreement. You know, there was an agreement, a bond that was talked about in last year's election and a bond that was made with the opening speech that was delivered by my California colleague, the gentlewoman from San Francisco, our new Speaker, the first woman Speaker of the House of Representatives. I regularly laud the fact that she has done that, the first Californian and the first Italian American. I am very proud as a Californian.

□ 1415

But I will tell you that commitment was made on the opening day, and has been made repeatedly, by my very good friend from Maryland (Mr. HOYER), the distinguished majority leader, time and time again. We have continued to hear about this promise that we will have a great new sense of openness. We will have transparency. We will have accountability. We will have the things to which we all supposedly aspire. But what is it we have gotten here, Mr. Speaker?

As bad as you all say that we were when we were in the majority, as bad as the now majority says that we were, Mr. Speaker, when we were in the majority, we would have never contemplated self-executing five amendments in a rule for an appropriations bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I'm sorry, but the record shows that in the year 2000, when you were chairman, on three occasions, Transportation, Labor-H and Agriculture, you reported self-executing rules.

Mr. DREIER. If I can reclaim my time, Mr. Speaker, I would just say, were there six amendments that were self-executing in the passage of any of those rules?

Mr. Speaker, I am happy to yield back to the gentleman from Wisconsin.

Mr. OBEY. No. They were always Republican amendments, in contrast to this, which are both Republican and Democrat.

Mr. DREIER. Mr. Speaker, reclaiming my time, never before have we had an action such as this, self-executing six amendments in passage of the rule and completely shutting down the process. Mr. Speaker, never before has this been done. I have a litany of colleagues who share my outrage. They want to be heard.

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

Mr. MCGOVERN. Mr. Speaker, facts are a stubborn thing. At this point, I would like to yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, we have proceeded for 10 appropriation bills with an open rule with an agreement we would reach a unanimous consent agreement on those rules within the framework of the time that we spent last year.

I said on the floor that we spent approximately 52 hours longer on the first 10 bills than we had last year under unanimous consents that Mr. OBEY agreed to. I am informed by Mr. OBEY that our staff has recomputed the time, and when one includes the Agriculture bill, it is closer to 80-plus hours longer under open rules. That was certainly not shutting anybody down or out. That was not our intent. In fact, it was not our practice. As I pointed out then, we complied, we think, with the letter of that to which we agreed.

We now find ourselves in the context of trying to move forward on very important legislation. This bill was open, of course, for debate and amendment for an extended period of time. The debate was not used for amendments or debate about the substance of the bill before us.

In fact, it is my understanding the Rules Committee talked to those who wanted to offer amendments in this rule. It is not shutting out all amendments. In fact, what it is doing is including a number of amendments on both sides of the aisle. It includes in the self-executing, to which the gentleman refers, a balanced group of amendments, all of which, we think, will be agreed to.

Mr. FLAKE is going to offer some amendments, one I have a particular interest in. He was given the choice of what amendments that he wanted to offer. Yes, we have limited amendments, because we have limited time and we want to complete this bill.

When we complete the debate on this bill, it will be just a little shorter than the bill that was considered last year. Just a little. We think it is fair. But we are here because we did not pursue the agreement that we thought we had with the open-rule process.

Now, we still have one additional bill to go, the Defense bill. We are discussing that. We are hopeful that perhaps we can proceed as we have proceeded in the past, with an open rule on that bill.

But we are trying to facilitate the doing of the people's business. We said we would do that. That is what we are doing. We believe that Members have been treated fairly.

Yesterday, on SCHIP, there was a request of me to include an additional hour of debate. That was agreed to. I think that was a good and full debate. We had very significant differences on that bill. The bill was approved by the House. I think this bill will be approved by the House and moved. That will leave us just one appropriation bill. I think by the end of this week, we will have passed all of our appropriation bills.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I know that my very good friend, the distinguished majority leader, as am I, is an institutionalist. He is just a little junior to me in this House. I came here just a few months before he did in his special election in 1981.

Mr. HOYER. I will try to show the gentleman the appropriate respect, given that seniority.

Mr. DREIER. That is the reason I reminded my friend of that, of course, Mr. Speaker.

Let me just say that getting the people's business done is a priority for every Member of this House. I recognize the responsibility of ensuring that we move through with our appropriations work. As the gentleman knows very well, we were able to complete the House's work on appropriations bills in the past. The distinguished majority leader wants to do that as well.

I do believe that if we look at the, you can call it a bump in the road, we have had very, very strong disagreement, as I said earlier, over the SCHIP bill. There was a lot of consternation about this. But the fact of the matter is, the additional hour was granted. We have now moved beyond that bill. We are now at nearly 2:30 in the afternoon, and things have moved certainly relatively smoothly today on the floor. I am just saying that I am very, very concerned about setting this kind of precedent to the appropriations process itself.

I recognize we came forward with closed rules in the past. You all, unfortunately, have had twice as many closed rules at this point from the beginning of the last Congress. But on the appropriations process, I just hope, for the good of the institution, that being the half of the American people who won't be able to be heard, there were more than 60 amendments that were in the queue to be considered for this measure, that we don't go down to only 12 amendments. I just find that very troubling.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank my friend for his observations, and I reclaim my time.

Mr. Speaker, very frankly, as I have said, we have spent almost 80 hours more on the first 10 bills than we spent last year under the unanimous consents we granted to you under Mr. OBEY's leadership. Given that fact, we considered a lot of amendments.

From my perspective, frankly, in a group of 435, the reason you have a Rules Committee is because you can't possibly accommodate all 435 Members if they want to offer one.

Mr. DREIER. Thanks for telling me that. I was wondering.

Mr. HOYER. As the former chairman of the Rules Committee, you know that.

Mr. Speaker, in fact, in my opinion, although we allowed it, there were an extraordinary number of redundant amendments, 1.25 percent, 1 percent, .75 percent. I understand that. They were message amendments. I understand making messages. That is part of what we are about.

This rule that the gentleman is very concerned about is a precedent. Frankly, we argued for following the precedent of last year. That was not done.

We are now trying to get the business of the people done, while at the same time giving a fair number of amendments, as we do on almost every other bill, but not every amendment. We think that we have done that. We think that we are fair in terms of the amendments that are included in the self-execution, because they are not just Democratic amendments. There are a balanced, equal number of amendments, and one other significant amendment I think will be unanimously supported, I hope and believe, and will facilitate the consideration of this bill and substantively move ahead the work of our country and our people.

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, I mentioned the fact that this is the 27th year for the two of us to be serving in this great institution. If one goes back and looks beyond last year but instead at the appropriations process which during our 27-year period has been considered under an open process, there are times when we would be here late at night voting on appropriations bills in the past. It has allowed Members to work their will as they have gone through this.

So while you have looked at the precedent of last year as part of this agreement that you and Mr. BOEHNER had, the concern that I have is that this is setting a precedent for the future, which is a very, very troubling one.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I will repeat: We are hopeful that we will be able to move forward in the future, next year, as we do the appropriation process, consistent with what we did on the first 10 bills and what we may do on the twelfth bill, in a manner that honors and respects one another's ability to make their point but also to do the business of the people. That is what they expect us to do. That is what we are going to do.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Dallas, Texas (Mr. SESSIONS), a hard-working member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this highly unorthodox rule and the unnecessary limiting process that is being proposed and that was even talked about here on the House floor today.

Mr. Speaker, today, for the first time since my service in Congress, the House is considering a rule for the Agriculture appropriations bill that is something other than an open rule. It is also the first time since I began my service that the Rules Committee reported out a limited rule for an appropriations bill that self-executes amendments and revisions to the base text of the bill that may not have withstood the scrutiny of this Congress.

One of the self-executing amendments of particular concern that was inserted late last night in the Rules Committee is included in part A of this rule. It is described as adding a limitation, and I quote, to effectively eliminate three West Virginia earmarks from the committee report accompanying the bill.

Upon further review, it turns out that these three earmarks total more than $1.5 million and were requested by Congressman ALAN MOLLOHAN and would benefit the Canaan Valley Institute, a nonprofit established by Congressman MOLLOHAN.

This highly irregular inclusion of this self-executing provision of the rule is particularly troubling, because the Canaan Valley Institute is currently under investigation by the FBI. In March, when he requested this funding, Congressman MOLLOHAN certified that he had no financial interest in any of the earmarks and affirmed the worthiness of each project.

I strongly believe that this late-night maneuver was not properly vetted through the regular order processes. As a result of that, several serious questions have arisen.

I would like to engage the Democrat Member of the Rules Committee, my friend from Massachusetts (Mr. MCGOVERN), on a few questions about this process.

The first question that I would yield to the gentleman on is, who asked the Rules Committee to take this highly unusual action and what explanation did they provide to justify the removal of Representative MOLLOHAN's earmarks?

Mr. MCGOVERN. If the gentleman will yield, the distinguished chairman of the Appropriations Committee, who is on the floor here today, Mr. OBEY, did. If you would like to ask him questions, you may.

Mr. SESSIONS. I am going to continue asking you questions, and I will continue yielding to you. I appreciate the gentleman.

Did anyone on the Rules Committee inquire as to whether Mr. MOLLOHAN's certification of no financial interest had been proven in any way deficient or inaccurate?

□ 1430

Mr. OBEY. Would the gentleman yield?

Mr. SESSIONS. I yield to the chairman.

Mr. OBEY. Let me simply say the reason these amendments are in the self-executing rule is that we agree with you that under the circumstances they should not be in the bill.

As I warned the House when we first started bringing appropriation bills to the floor, our committee did not have enough time to adequately get all of these amendments that were coming at us, and so we asked for a process which would allow us during the month of August to review all of them.

In the end the House decided they did not want to do that. One of the major reasons is because Members of your party wanted to make certain that we had an opportunity to deal with them on the floor now. I warned at the time that meant that mistakes would be made. They were. When we caught the mistake, I went to the Rules Committee and Mr. MOLLOHAN agreed that under the circumstances they ought to come out.

We ought to be congratulated for it, rather than being questioned about it.

Mr. SESSIONS. Reclaiming my time and continuing my dialogue with the gentleman, in other words, you had figured out that they were inappropriately inserted?

Mr. OBEY. No, we had determined that because they were in controversy, for the good of the House they should not be considered at this time.

Mr. SESSIONS. Continuing my dialogue with either gentleman, in as much as the Mollohan earmarks were approved by the entire Appropriations Committee, does the gentleman know whether the appropriation Members on both sides of the aisle have been advised about the reasons for canceling funding for the projects which they have overwhelmingly approved with the knowledge that it was appropriate at the time?

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Let me simply say to the gentleman that I very much regret the tone that the gentleman is taking here today.

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

Mr. DREIER. Mr. Speaker, I rise to yield the gentleman from Dallas an additional minute.

Mr. SESSIONS. Mr. Speaker, another question which I wish to ask is whether the Rules Committee could advise Members seeking to remove Member-supported earmarks from other pieces of legislation, whether they might take

advantage of the precedent we are setting here today and whether they might expect the Rules Committee to look favorably on similar requests for self-executing provisions in the future?

Mr. Speaker, the reason why we ask these questions is because the self-executing provisions of this rule are highly unusual and I believe raise lots of questions. We look forward to asking these questions and hope we get forthright answers.

Mr. MCGOVERN. Mr. Speaker, let me finish what I was about to say to the gentleman from Texas.

I very much regret the tone of his remarks here on the floor today. Last night the gentleman talked about the need for civility and the need for us to have more comity in this Chamber. It is clear today that he obviously lost sight of at least the spirit of his remarks last night. I regret that very much.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think we again need to remind ourselves why we are here in this situation. And I don't like it, but we are here because people need to experience the consequences of their own actions, at least adults do.

Why are we here? We are here because as the distinguished majority leader pointed out, despite the agreement that we felt we had reached for consideration of the appropriation bills, we had seen more than 4 hours of dilatory action the last time this bill was on the floor. As a result, this House was not able to complete action on a single provision in the agriculture appropriation bill even though we were told that the minority was really unhappy about something else totally unrelated to that bill.

So they dragged this out for 4 hours during which we were able to accomplish nothing. At the same time, the President is on the other end of Pennsylvania Avenue. At the same time we have had foot-dragging on the part of the minority on this bill, the President held a press conference this morning in which he is attacking the Congress for not moving these bills at a sufficiently rapid speed.

Secondly, I would point out that, as the distinguished majority leader indicated, we have spent some 86 hours more debating appropriation bills this session than we spent debating appropriation bills the previous session when the now-minority party was then in control. Why was that the case? Because last year we considered 144 amendments to those appropriation bills, whereas this year we have considered 339 amendments. That is a 77 percent increase. It illustrates why I keep referring to filibuster by way of amendment.

There comes a time when we have to face the fact that if the public's work is to be done, we need to move these bills forward. It was very clear that this bill was going nowhere the last time it was on the floor. The distinguished majority leader informed the minority if that was the case, we would have to go to the Rules Committee in order to move the people's business forward. That is exactly what we have done.

With respect to his criticism about this rule containing self-executing provisions, I would simply point out that on eight occasions when the gentleman from California was chairman, his committee reported out, and this House passed, self-executing rules.

In 2000, it occurred on the Transportation, Labor-HHS and Agriculture bills.

In 2001, it occurred on Agriculture, Treasury-Postal, Foreign Ops and Energy and Water.

In 2002, it occurred on the Interior bill. And I have them before me.

In each case, they contain the magic words ''provides that the amendment or amendments printed in the Rules Committee report accompanying the rule shall be considered as adopted.''

Let me simply point out that I think it is indeed regrettable that we have had to adopt this approach in order to finish the public's business on time. But in fact, if Members of the minority want to know why it was required, all they have to do is look in the mirror.

Now I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I will say in response to the assessment that the gentleman provided of my service as chairman of the Rules Committee, I never reported out a rule that shut down the entire process, which is exactly what this rule is doing. With regard to self-executing items—

Mr. OBEY. Reclaiming my time, with all due respect, this amendment makes in order 14 amendments. The majority of those amendments are Republican amendments. One of them is an amendment by the gentleman from Arizona that in fact goes after a project in the district of the majority leader. That is hardly shutting down the process.

Mr. Speaker, they were the ones who shut down the process 2 days ago when they refused to allow us to consider a single new amendment during a 4-hour period.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding.

I come to the floor today to express my disappointment over where this process has led us and the fact that we are going to shut down the appropriations process and go to what we would refer to as martial law.

Now over the last several days it has become clear that our Members are concerned about what has happened to the process of due deliberation in the House. Over the last several days my name has been taken in vain over the fact that there was an agreement reached earlier this year between Mr. HOYER and myself and Mr. OBEY. And there was an agreement we would bring earmark reform to the appropriation process, and as part of that agreement that we would work towards a unanimous consent request on each of the appropriation bills.

I want to tell my friend, Mr. Speaker, tell my friend from Wisconsin that I feel as though I have kept my part of the deal. I have worked diligently with our Members to try to come to an agreement that our Members felt was fair. The gentleman outlined the number of hours that we have taken on the appropriations bills this year. There is no question that more time has been taken. And that is because we have had a change in the majority here in Congress. We have had a serious change in each of the appropriation bills in terms of the priorities of the new majority versus the priorities of the former majority. So one would expect that more time was going to be taken on these appropriations bills this year.

But what brought all of this to an end was the process by which the State Children's Health Insurance reauthorization was coming to the floor where our Members were shut out of debate, where we were presented with a 488-page bill at 11:30 one night and expected to be in committee the next day ready to have committee action on a bill that had never ever had a hearing.

Now as I mentioned to the gentleman the other night, all we seek on this side is fairness. And so the tactics employed on the Ag appropriations bill the other night was an opportunity for our Members to try to come down and talk about their concerns with the process and their concerns with that work product.

But the actions taken here today to shut the whole appropriations process down, lock it under a rule, self-execute six amendments into this process is unprecedented. I heard the gentleman over the last several years talk about process and how the minority ought to be treated. I heard it day after day.

And I might add to my friend that I had some sympathy for the concerns that he raised. But as I mentioned the other night, all we seek is to be treated the way you asked to be treated. That's all we ask. We could have had a discussion about trying to come to a unanimous consent request on the balance of this bill. We could have sat down and tried to work through the process on the Defense appropriation bill so we wouldn't have to go through this; but that opportunity wasn't presented. So I stand here today with regret that we have had to come to this point.

I am one who believes that there is a way we can disagree on our policy differences here without being disagreeable; that there is a way that the two sides can make their points without cutting the legs off the other side.

But the actions here that are being taken will do nothing more than stifle the ability of the minority to make its

case, the minority who represent nearly half of American people, to effectively make our case on this bill, and I think it is regrettable.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Let me simply say the gentleman says we have ''shut down the appropriations process.'' That is absolute nonsense. We are making in order 12 amendments, all of them Republican amendments. Three of the six self-executing amendments are amendments that are sponsored in all or in part by Republicans.

If anyone shut down the process, it was the minority party which filibustered for 4 hours the last time this bill was on the floor and didn't allow us to complete consideration of a single item in the bill. Not one. In addition to which when we tried to pursue a unanimous consent agreement before that bill hit the floor, we were denied that opportunity by the minority party.

We had an understanding with the minority party that these bills would be finished in roughly equivalent time to that which was taken last year. The minority party was so angry about a bill that was going to extend health care to 5 million additional kids they walked away from that agreement, and that's why we are here today.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 8 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman. I might just add to the count of amendments, lest it be forgotten on Tuesday night, that I accepted both the Gingrey and the McHenry amendments.

□ 1445

So that is 14 Republican amendments that have been allowed for debate and discussion.

I'm saddened by the path that we've taken to find our way here today, but I must also say that, yes, I'm glad. I'm glad that we've arrived here today because this Agriculture appropriations bill is a good bill, it's a fair bill, and it has the potential to do so much for people and for our communities who are in such need. And, yes, in fact, over the last several months it has been a product of hard work, of honest partnership, of an ongoing collaboration over a number of weeks from my colleagues on both sides of the aisle.

I'm sorry that I don't see the ranking member of this subcommittee, Mr. KINGSTON, on the floor. Mr. KINGSTON can attest to the kind of work we have done together to produce and to craft a very solid piece of legislation that, in fact, will make a difference in people's lives.

And we should not forget how much that we have put into this bill and why. At the subcommittee level, the full committee level, even, as I said, this past Tuesday, this bill has been a bipartisan process, giving every single member of the subcommittee and of the full committee the opportunity to engage, to propose amendments, to ask for a vote if they wanted to. It has been a totally open process.

As a matter of fact, in the full committee there was not even one vote called because there was such a sense of agreement on every single amendment and the process that we went through in that committee. For that, I stand here very proud as the Chair of this subcommittee, and the first time that I have served as the Chair of this committee, we produced a bill that has such support. I defy any of the other 11 subcommittees to have that same kind of bipartisanship that we had.

This bill is too important. There's critical responsibilities. And maybe people don't view this bill as that important, but speak to rural America, speak to people who care about what's happening in nutrition, speak to people who care about conservation in this country. That is what is in this bill, renewable sources of energy. To let it be filibustered, to play political games, to let that take precedent over this bill is what's happened.

The minority shut down this process. The minority's tactics, 4 hours, 4 hours, and I appreciate the minority leader's disappointment with SCHIP, but on Tuesday night SCHIP was not the legislation that we were discussing. Four hours. Those tactics, tied to other legislation, have stood in the way of this process, even as the American people, in fact, do insist that we get to work fulfilling our obligations to consumers who want safe drugs and food.

It's good to see the gentleman from Georgia on the floor because JACK KINGSTON and I have worked very well together, as I said, to produce a good bill, one of which I stand here proudly to support and to carry on with today.

Our priorities have been to have safe drugs and food, farmers who rely on fair and functioning markets, children who need healthy food to meet their potential, and rural communities who need opportunities to thrive. And our priority has been to move with swift purpose, clear direction on several key goals: strengthening rural America, protecting the public health, improving nutrition for more Americans, transforming our energy future, supporting conservation, investing in research and enhancing oversight.

The bill provides discretionary resources of $18.8 billion. It is $1 billion above 2007, $987.4 million above the budget request, and to be sure and to make it very clear, 95 percent of the increase over the budget request, $940 million, is used to restore funding that was eliminated or cut in the President's budget, to acknowledge that we have, in fact, the obligation to meet the needs of hundreds of our communities and millions of Americans.

It is about strengthening rural America. And what we do in terms of facilitating growth, softening the impact of population loss, this bill includes $728.8 million to support community facilities, water and waste disposal systems, and business grants to protect our public health. We provide $1.7 billion for the FDA, $62 million over the budget request, the first step in a fundamental food safety transformation at FDA.

We include $39.8 billion for food stamps, a program to meet increased participation and to ensure rising food prices. We fund the Women, Infants and Children program above the President's request. We step up to priorities like investing in research, which many of you have requested in earmarks in this bill, and conservation; and when it comes to transforming energy, this budget includes bioenergy, renewable energy research, $1.2 billion, including loans and grants in rural areas of this country.

I'm proud of the bill. I'm proud of its priorities and the goals that we set out to accomplish. We have obligations here, and that is to discuss and to recognize what our roles are and what we do here in order to meet the needs of the American public, not to interrupt for 4 hours for political gain or for whatever is annoying you that day, to disrupt the process, shut it down. And we're going to move forward, we're going to discuss this bill, we're going to pass the bill and achieve the goals. You choose delay. We choose to proceed to go forward in a responsible way.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, with the utmost respect for my good friend from New Haven, the distinguished Chair of the subcommittee, I will say that we could at this moment be debating this bill if we continued with this open amendment process.

The SCHIP measure is over and done. My friends on the other side of the aisle have won this debate. We are prepared to move ahead with an open amendment process that will allow for a free-flowing debate.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. We have no guarantees with regard to the process.

Mr. DREIER. If I can reclaim my time, let me just tell you the guarantee of the process. I was very happy to yield to my friend, and I will be happy to yield to her again, but I will say, Mr. Speaker, the fact of the matter is we have not had any dilatory tactics put into place since passage of the SCHIP bill. All the time we spend on this rule could have been spent discussing exactly what the gentlewoman has been speaking about.

Mr. Speaker, with that, I yield 2 minutes to my very good friend from Morristown, New Jersey, a hardworking member on the Committee on Appropriations, Mr. FRELINGHUYSEN.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I respectfully change the subject.

Mr. Speaker, all Members should be aware that there's language in this bill that greatly expands existing U.S. policy on importing drugs from other countries by allowing the wholesale importation of medicines not just for personal use but now for commercial use. Implementation of this new language would legalize the practice of reimportation of even more undocumented prescription drugs of unknown origin into the United States.

Mr. Speaker, existing Federal policies allow for importation of prescription drugs for personal use, but this new provision opens the floodgates to the unknown. This is a risk we should not take, not for prescription drugs nor for any products that might do harm to our loved ones.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 9½ minutes remaining. The gentleman from California, 14 minutes remaining.

Mr. MCGOVERN. We will reserve our time at this point.

Mr. DREIER. Mr. Speaker, I'm very happy to yield 2 minutes to our colleague from Mesa, Arizona (Mr. FLAKE).

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

I rise in opposition to this rule as well. I don't think it's a good precedent to set to move away from open rules on appropriations. I'm one that's often accused of dilatory tactics on these bills, having so many amendments on earmarks. These aren't dilatory at all.

I should note that on the bill that we had a couple of weeks ago, the Energy and Water bill, I believe I offered seven or eight. With that, one Member came to the floor before I offered and withdrew or asked for an amendment which he received to strike his own earmark.

We're seeing the same here, three earmarks stricken from the bill in the Rules Committee because an amendment was going to be offered to strike them on the floor.

My understanding is with the Defense bill tomorrow that there will be another amendment, self-executing rule to strike another earmark that was going to be challenged on the floor.

So this is not dilatory at all to come to the floor and say, hey, there are earmarks here that might be questionable. There are a lot of earmarks that would go to private companies. These are, in essence, sole source contracts.

I sympathize with the chairman of the Appropriations Committee, Mr. OBEY, who said many times that we simply don't have the staff to police this many earmarks. I don't think you could have policed the 15,000 we had a couple of years ago. If this Congress is successful in cutting that down by half, we can't come close to policing that number either.

We have former Members in jail because of earmarks that we approved in this body. We simply can't go on like this, and if we shut down this process in a manner where we're only allowed to question a certain number of earmarks, I wanted to question 10 on this bill. There are 410 in the bill. Ten is not an unreasonable number. I was only allowed five.

Who knows on the bill that we do tomorrow if we have a closed rule. If we aren't able to question these, where are we able to do it?

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Mariposa, California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from California.

I rise in opposition to this new structured rule for the Ag appropriations bill. I'm very disappointed that the Rules Committee decided to shut down a free and open amendment process on this bill. My constituents at home deserve the right to have their opinions for or against any provision of this bill heard.

One of those provisions would be an amendment that was offered to strike section 738 in H.R. 3161. This amendment was found out of order by the Rules Committee. Section 738's intent is to stop horse slaughter. However, the unintended consequences of this section will have a detrimental effect on the entire equine industry.

Should this amendment become law, the breeding industry will be negatively affected when foreign buyers are not able to transport their American horses to another country. International and domestic racing events will also be adversely impacted by this provision when racing horses are not able to move across borders.

The economic detriment that would occur if this bill passes without our amendment is almost as expansive as the actual language of section 738. Every industry, from television revenues gained from major horse races to the small, family equine breeder, would feel the impact. In fact, the U.S. horse industry supports 1.4 million jobs and has an annual economic impact of $102 billion.

In addition, restricting USDA funding to inspect horses will spread animal disease.

How the Rules Committee determined this amendment was out of order, when it is clearly an important and germane amendment to the Ag appropriations bill, is beyond my comprehension. In deeming this amendment out of order, they have closed out an entire industry from being able to have their views expressed through their representatives on legislation that would have huge economic impacts.

I urge my colleagues to join me in voting against the rule to the Ag appropriations bill.

□ 1500

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my colleague from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I want to thank the gentleman for yielding.

Mr. Speaker, I want to say that I support one of the self-executing amendments in this rule, and it's my understanding that in the original Ag appropriations bill, there was very broad language relating to horse slaughter intending to stop horse slaughter in the U.S. that has passed this House overwhelmingly on six different occasions.

And the gentlelady from Connecticut in responding to the concerns that that amendment was overbroad has asked that a self-executing amendment be included in this rule that is sponsored by three Democrats and myself. I would say that she addressed our concerns, and I would commend her for that.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the gentleman for yielding his time on this issue we have just mentioned here.

I would first like to thank the Agriculture appropriations committee for their hard work on this legislation. It's a thoughtful piece of legislation, and I do plan to support it.

Mr. Speaker, I do need to express my concern and disappointment on an amendment I was planning to offer along with Representatives COSTA, KING, SALAZAR, and RADANOVICH that was not made in order.

Even though Representative SPRATT's amendment, which replaced section 738 dealing with horse slaughter, was accepted by the Ag appropriations committee and addresses some of the large issues, including transportation and animal health inspection, it fails to address one major issue. With 100,000 horses abandoned each year in the United States, and animal adoption facilities overflowing, how, how are we supposed to deal with these animals?

Having spent most of my life involved in animal agriculture, I understand many of the issues firsthand. I have worked with a variety of animals, dairy cows, feeder pigs, to my current cow-calf operation, and we have always had horses on the farm, even today. In fact, I can share with you that on the 4th of July, this past 4th in my hometown of Lamoni, Iowa, I was awarded first place in the horse hitch category, a beautiful horse and buggy.

Mr. SPRATT's amendment that was accepted by the committee does not address this issue of what to do with the additional 100,000 unwanted horses with nowhere to go and no one to take care of them. The burden will fall to the American taxpayer. Just housing and fitting one horse costs around $1,900 per year. Mr. SPRATT's amendment will cost $127 million in just the first year alone for these animals.

I want to be very clear: I love horses. I have owned horses my entire life, and they have been some of the most loyal companions over the years.

But I do have major concerns to the fact that we are making it illegal for

horses to be slaughtered for human consumption, but not addressing what we are going to do with these horses and how we are going to care for them. We all should have a major concern and do something about it. This problem is not simply going to go away. I thank the gentleman for the time.

I would again like to reiterate my disappointment over not being allowed to offer my amendment, but I do support the bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this modified closed rule on an appropriations bill.

I had two very substantial amendments. The gentlelady from Connecticut, the distinguished chairman, said that she was going to accept my message amendment, my 1 percent cut, the $50,000 amendment that I brought on Tuesday. Of course, it was a dilatory amendment to try to get an opportunity to speak about the CHIP legislation that we knew was coming under a closed rule.

But now I have two good amendments that were not made in order. One amendment would say no money in this bill would be allowed to grant food stamps or WIC money to anybody but United States citizens, not to immigrants, not to illegal immigrants. In some cases, the current law is very vague on that issue, a very substantive amendment that was not made in order.

Finally, one other amendment, the Farm Service Agency in my district, in Gordon County, Calhoun, Georgia. In fact, that Farm Service Agency serves several counties and is doing a great job.

I am denied the opportunity to argue on behalf of the citizens of Gordon County to keep that Farm Service Agency open. I am denied that by this modified closed rule.

Regretfully, I have to stand and say that I am going to vote ''no'' on this rule, urge my colleagues to vote ''no.''

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply say that of all people, the gentleman who just spoke is way off base when he cries about being denied an opportunity to deal with an amendment.

It was his amendment for $50,000 that this House debated for 4 hours without coming to a resolution thereon because of the filibuster that was being conducted on that side of the aisle. To suggest that somehow that Member, who single-handedly held us up for 4 hours, to suggest that he was denied, is a joke.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to a hardworking member of the Committee on Appropriations, the gentleman from Alexander, Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from California in recognizing the huge town of 160 people of Alexander, Iowa.

Mr. Speaker, I rise in opposition to the rule because it does cut off and stifle debate on an appropriations bill. This really violates the open rule tradition on appropriation bill debate in the House and runs counter to the way we ought to be deciding to spend the taxpayers' resources.

Having said that, I want to commend the gentlelady from Connecticut for her great work, and the ranking member from Georgia really did an outstanding job.

There is one particular component of the new rule I would like to make a comment on. The reported bill contains a provision, section 746, stating that ''no funds in this act may be used to authorize qualified health claims for conventional foods.''

This provision means that none of the funds in the bill can be used to give permission to display important health information, irrespective of whether or not the information is scientifically valid.

The provision, as reported, would clearly stifle the FDA's ability to put forth information on health benefits in foods.

This new rule self-executes a provision which narrows a reported version of section 746 to stipulate that the funding prohibition applies only to the FDA. The problem is that the change doesn't really address the problem.

If this provision is intended to help FDA avoid wasted time and resources on frivolous petitions, it misses the mark. Nothing in this revised language removes or alters FDA's responsibility to review these petitions as required by law. The provision only denies final approval or authorization of the use of valid claims as to the risks and benefits of foods sold in the U.S.

This means that FDA still must carry out its mission of reviewing petitions on claims, but just cannot issue approvals, even if they are warranted. The problem is that if FDA does not do it, nobody will.

Mr. MCGOVERN. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished chairwoman of this subcommittee and the chairman of the full committee.

Mr. Speaker, I think that we have waited long enough for energy reform and for nutrition reform, which is what this bill tackles. I rise today to support working for American farmers, but also working for those who get up every day without a meal.

To recognize that it is important to have food safety, it's important to have an improved food and lunch program and food stamps, it's important to focus on nutrition, and that is what we have done here.

I am glad to see that there is an aspect that deals with alternative fuels; and having written a bill dealing with cellulosic ethanol, I know that we have to move in a more effective direction. But I am also glad that we recognize a particular viable aspect of the importance of dealing with hunger in America.

I am concerned and hope that as we move forward, one of our vital assets, the Hunger Center, will move toward authorization, as I understand, and then increase funding so that it can be a tool to the Department of Agriculture in dealing with the question of hunger in America and around the world. This particular bill also provides more help for USAID, and I believe that it is an important asset.

In the short time that I have I would like to yield to the gentlelady from Connecticut to ask a question, and that is to comment on a point I made about the Hunger Center, and the fact that it is moving towards authorization that we will see in the years to come, an opportunity for more work on its part and more resources.

Ms. DELAURO. First of all, I want to thank the gentlelady for her comments. I think we have worked very hard in this bill, in fact, to increase the opportunity for nutrition. I would be happy to work with the gentlelady from Texas. We have $2 million in the bill for the Hunger Center and will look forward to working with you as we move forward to try to increase those funds.

Ms. JACKSON-LEE of Texas. I ask my colleagues to support the bill.

Mr. Speaker, I rise today in support of H.R. 3161, which strengthens our rural communities, while making sure that the American people have adequate, safe and nutritious food to eat. Let me commend the Chairwoman of the Subcommittee, Ms. DELAURO, for her exceptional leadership in crafting such extraordinary legislation to combat hunger, obesity and malnutrition in our nation and around the world. That is why I strongly support this bill.

Mr. Speaker, H.R. 3161 allows us to reinvest in the often forgotten but most vitally important rural areas of America. H.R. 3161 is designed to sustain the vitality of rural America, as well as protecting public health and food safety, improving nutrition and healthy eating, and promoting renewable energy and conservation in America.

Mr. Speaker, more than 3 million households in the rural America continue to have inadequate or no water or sewer service at all. H.R. 3161 is the solution to this disparity in that it provides $500 million for rural water and waste disposal grants, a 14 percent increase over 2007, and $1 billion for water and waste direct loans for the fiscal year.

Mr. Speaker, energy independence and protecting our environment are universal concerns to us all. The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes.

A bill that I have proposed, the 21st Century Energy Independence Act acknowledges this issue and aims to replace oil imports with domestic alternatives such as traditional and cellulosic ethanol that can help reduce the $180 billion that oil contributes to our annual trade deficit, and end our addiction to foreign oil.

My bill alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions.

Mr. Speaker, H.R. 3161 supports an innovative solution to our national energy crisis as well. H.R. 3161 ensures that America achieves energy independence and improves our environment by establishing a loan guarantee program which supports projects for the harvesting, storing, and delivery of agriculture residues for use in cellulosic or traditional ethanol production plants. H.R. 3161 supports energy and conservation, nearly doubles funding for renewable energy loans and grants to businesses to grow our economy, create new jobs, lower energy prices, and reduce global warming. The bill provides resources for research, aid to farmers and ranchers, and loans to businesses, restores many vital programs such as the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs.

Mr. Speaker, recent food scares—about peanut butter and lettuce—have made Americans nervous about where their food originates. H.R. 3161 tackles these concerns and addresses the importance of food safety. This bill fully funds the Food Safety and Inspection Service at USDA, shifts funds to fill vacancies in federal meat inspector positions, invests in research, and funds a transformation of FDA food safety regulations. It also prohibits imported poultry products from China, and sets a timeline for USDA to implement critical country of origin labeling for our meat supply after six years of Republican delays.

In addition, H.R. 3161 provides a special supplemental nutritional program for women, infants, and children other known as (WIC). This provision is so essential because it affords many women, especially women of color in lower income brackets, the opportunity to care for themselves and their newborns after birth. Without programs such as WIC, many mothers would not be able to maintain a healthy lifestyle during pregnancies and after childbirth. Because of WIC, mothers can afford their nutritional foods they need to sustain their pregnancies and avoid miscarriages, stillbirths and defects caused by malnourishment during pregnancy. H.R. 3161 invests $233.4 million (4 percent) more than the President to feed more than 8 million pregnant women, mothers and children next year.

Mr. Speaker, I believe in the importance of multilateral engagement, and in the immense value of working with other concerned parties. Hunger and malnutrition are truly global problems, and, while I strongly urge the United States to be a leader in combating both, it is not the only world actor. International organizations, like the United Nations, are actively combating global hunger through a number of different organs including the World Food Programme, the Food and Agriculture Organization, and the World Health Organization. Additionally, regional organizations, such as the African Union (AU) and the New Partnership for Africa's Development (NEPAD), play a crucial role in efforts to eradicate hunger.

I have an amendment that requires coordination and integration between different foreign assistance programs, and it states that assistance shall also be coordinated and integrated in the recipient country with other donors, including international and regional organizations and other donor countries.

Nonetheless, hunger is not a problem facing not only the international community faces, but it is also a problem in our own country. Many women, children, and the elderly should not wake and go to bed hungry in our great nation, but tragically this happens all too often in the cities and villages and small towns of our great country. Too many Americans continue to suffer from food shortages, hunger, and insecurity. According to 2005 figures, 35.1 million people live in households that are ''food insecure,'' or they do not know where their next meal will come from.

The commodity supplemental food program incorporated into H.R. 3161 provides $500,000 monthly in the year 2007 to combat hunger and increases funding in this area to allow people in five additional states to participate in the program and expand those getting food in states already in the program. In addition, under the Food Stamp Benefit provision, H.R. 3161 protects the most vulnerable and helpless; families of soldiers in combat. Like the recently passed Farm bill, the measure ensures that the families of soldiers in combat are not penalized under the Food Stamp program. It also rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Mr. Speaker, let us remember that 1 in 3 American adults is overweight or obese and more than 9 million children are struggling with obesity. H.R. 3161 aims to improve the eating habits of Americans, particularly our children, through programs that teach children about healthy eating. H.R. 3161 increases funding for nutrition programs, including the Expanded Food and Nutrition Education Program, which broadens Fresh Fruit and Vegetable and Simplified Summer Food programs to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption.

Obesity is associated with 35 major diseases including chronic and life-threatening conditions such as cancer, diabetes and heart disease. It is important to keep our Nation healthy by providing access to high consumption of vegetables and fruits to the future of our great country, our children. By supporting H.R. 3161 we assure a healthy consumption of nutritional foods for children whose only crime is that their families are poor.

Mr. Speaker, H.R. 3161 is essential because it addresses one of the most staggering causes of death in children: malnutrition. Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under the age of five worldwide and is responsible in whole or in part for more than half of all deaths of children. Malnutrition kills approximately one million children each year, or an average of one every thirty seconds.

These statistics are absolutely frightening and simply intolerable. They are also avoidable. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

Mr. Speaker, H.R. 3161 recognizes the importance of helping our neighbors in combating the hunger. H.R. 3161 provides funding for the Foreign Agricultural Service in the amount of $159,136,000 and transfers of $4,985,000, for a total salaries and expenses level of $164,121,000, an increase of $2,817,000 above the amount available for fiscal year 2007 and a decrease of $9,073,000 below the budget request.

In addition, H.R. 3161 permits the United States Agency for International Development (USAID) to use up to 25 percent of the funds appropriated for local or regional purchase of food to assist people threatened by a food security crisis.

Mr. Speaker, if it were not for grants such as the McGovern-Dole International Food for Education and Child Nutrition Program, many foreigners would have no other choice than to leave their native country in pursuit of a better life. H.R. 3161 reminds us that it is important for the United States to foster a relationship with other parts of the world, so that citizens of developing countries can also have basic rights such as sufficient amount of food. The McGovern-Dole International Food program is funded in this bill in the amount of $100,000,000, an increase of $1,000,000 above the amount available for fiscal year 2007, and the same as the budget request.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program fights child hunger and poverty by supporting school feeding operations, which provide nutritious meals to children in schools. This simple formula has been proven to be a success. Because of such programs, students are better able to concentrate and learn more quickly on a full stomach. Enrollment and attendance rates have skyrocketed as a result of school feeding programs, particularly among girls who are too often denied an education.

Mr. Speaker, there are 110 million school-aged children suffering from hunger every day, and they are counting on America's leadership and generosity to provide them with an opportunity to break the cycle of poverty. This bill provides that leadership and generosity, and it is for this reason that I urge my colleagues to join me in voting for its passage by an overwhelming margin.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Kiron, Iowa (Mr. KING).

Mr. KING of Iowa. I thank the ranking member from California for yielding and for his leadership on the Rules Committee. That has been an important model leadership for our conference.

Mr. Speaker, I rise in opposition to this modified closed rule for a number of things, but the issues that I may be able to raise in this amount of time is that as the chairman of the Appropriations Committee said, the amendments that are approved under this rule are Republican amendments, but I would point out that those which are adopted under the rule, the self-executing amendments, are not Republican amendments for the most part.

I have in my hand an amendment that says ''offered by Mr. MOLLOHAN of West Virginia,'' the one that was the subject of Mr. SESSIONS' remarks that strikes those three earmarks that were in there.

Now, they were stricken because, according to the chairman, they were in controversy. Now, this controversy has not been something that has been a large area of discussion here on this floor. But the gentleman from West Virginia has said he is unaware of any investigations. He may be the only one in this Congress that's unaware.

I would point out that the Speaker handed the gentleman from West Virginia the gavel to the appropriations subcommittee that he chairs. He held and still holds the purse strings of the agency that's been reported as looking into this that has brought out this controversy.

□ 1515

That is why we are here on this. These three earmarks that came from West Virginia from Mr. MOLLOHAN stricken by a self-enacting rule, now is this also going to be the policy in the case on the Department of Defense appropriations bill that comes up? Because there are at least nine earmarks in that bill as well. So these are the consequences of a closed rule. There is friction, there is controversy, there is 4½ hours of debate, which is greatly to the resentment of the gentlelady from Connecticut.

But I would say we got through Justice approps through an open rule, and we did so with legitimate debate, and we were here to perfect the legislation, and we did so to the extent and we executed the will of this body. This rule does not execute the will of this body. This rule self-enacts. Vote down the rule.

Mr. MCGOVERN. Mr. Speaker, I regret the fact that the gentleman feels he needs to personalize this debate; and I would only ask the gentleman, how many ranking Republicans are right now under investigation who continue to serve in their capacity?

I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman ROSA DELAURO for an incredible bill that I would like to get to so we can vote on it.

The debate on this rule I think just shows what is going on here, which is a reason to stall, a reason to just eat up the time so that we really don't get to the underlying issues. Because they know when we pass this bill it is going to pass with a bipartisan vote.

Mr. DREIER. Will the gentleman yield?

Mr. FARR. No, I will not yield; and I want to say why.

In law, you learn an old adage that says, in order to get equity, you have got to show equity.

The other night we were on the floor with a bunch of amendments, and the amendment was debated, and it was accepted by the chairwoman. And then we went on and debated with motions to adjourn, motions to rise for a number of hours.

The gentleman who offered the original amendment that was adopted also had 11 other amendments. This is a $100 billion operation, the U.S. Department of Agriculture, $100 billion. His amendments were to cut $50,000, another amendment for $60,000, another amendment for $7,000, another amendment for $39,000. And it went on. The list went on and on. He could have put all of those into one amendment. It still wouldn't have even matched $1 million.

So the point is that these were all dilatory amendments to just try to delay the time; and I think that equity was not shown, partnership was not shown, bipartisanship was not shown. And that is why we have a rule that is fair, allows these amendments, 12 more, to be debated, and the self-executing rule did self-execute some Republican amendments as well.

I urge the adoption of this rule.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend from Hobbs, New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this unduly restrictive rule. I had two amendments that I was prepared to offer to this legislation, neither of which will be considered here today. They were pretty simple, really.

My first amendment would have increased funding for the Wildlife Services by $500,000 to support the Mexican Wolf Recovery Program in New Mexico and Arizona. This program is teetering on the edge of failure. My attempt to add a modest amount of additional funding to manage dangerous problem wolves was rejected by the majority.

My second amendment was an attempt to bring protections to the endangered wolves in the Northeast United States, where many in the conservation community believe they are being killed by Wildlife Services.

My amendments were filed in a timely fashion. The committee was alerted to my intentions all along. Yet this is the result of the rule that we have before us today.

Mr. Speaker, I ask unanimous consent that the rule be amended to allow me to offer my two amendments which have been placed at the desk, which were also filed with the Rules Committee, were provided to the Appropriations Committee and are critically important to my constituents in New Mexico.

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

Mr. PEARCE. Mr. Speaker, I have a unanimous consent request.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield for that purpose?

Mr. MCGOVERN. No, I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

The gentleman's time has expired.

Mr. MCGOVERN. Mr. Speaker, I am reserving at this time because I am the last speaker on my side.

MOTION TO ADJOURN

Mr. DREIER. 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. DREIER. 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 165, nays 254, not voting 13, as follows:

[Roll No. 798]

YEAS—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo

Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—254

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

NOT VOTING—13

Clarke
Crenshaw
Davis, Jo Ann
Davis, Lincoln
Ellison
Gohmert
Jackson-Lee (TX)
Johnson, Sam
Jones (OH)
Miller, George
Olver
Sullivan
Taylor

□ 1544

Mr. KLEIN of Florida, Mr. WYNN, Mrs. CAPPS, Mr. HALL of Texas and Mr. VAN HOLLEN changed their vote from ''yea'' to ''nay.''

Mr. NEUGEBAUER and Mr. TURNER 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 FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DREIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to apologize to the House for calling for the motion to adjourn, and I do so because in 15 minutes a memorial service is going to be held for our former colleague, Guy VanderJagt, over in the Ways and Means Committee room.

And I will say that Guy VanderJagt is someone who served longer in the minority than any Member on the other side of the aisle. But no one understood about the rights of the minority better than Guy VanderJagt; and I will tell you, Mr. Speaker, those rights are outlined very clearly in the opening of Jefferson's Manual.

Now, we have been excoriated over the past hour for having used what have been called dilatory tactics 2 days ago before we passed the SCHIP bill. The fact of the matter is that is now ancient history. We have been struggling to ensure that we continue with the debate on this very important bill under an open amendment process.

I am going to urge my colleagues to defeat the previous question so that we will have the opportunity to table this measure and go back to an open amendment process. Why? Because this rule represents the trifecta of bad process. It has shut down the amendment process, it has restricted the period of time for debate, and it has rewritten the bill through self-execution in this rule. And I am going to urge my colleagues to defeat the previous question so that we can go back to what was promised on the opening day, and that is an open process.

With that, Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, this is disappointing, disappointing that the House has had to resort to a martial law to further stifle the voices of those of us in the minority who represent nearly half the American people.

We have had a debate on this rule. I have listened to the debate. I even participated in part of the debate and listened to my colleagues in the majority complain about the fact that we spent 3 or 4 hours the other day trying to debate a measure that we were not going to have much time to debate on because we didn't have a committee process, it was going to be brought to the House under a closed rule. And my colleagues pulled the bill and have been whining now for days that we spent 3 or 4 hours doing dilatory tactics.

Now, some of you were here in 1998 when the Ag appropriations bill was on the floor of the House, and that bill was held up for 9 hours by the then minority over the fact that there was an amendment that a Member wanted to have heard on the Foreign Operations bill. It just so happened it was the distinguished gentlewoman from California (Ms. PELOSI) who wanted an abortion amendment on the Foreign Operations bill and wasn't sure she was going to be able to get her amendment; and, as a result, she and some of her colleagues held up the bill with dilatory tactics for 9 hours.

Now, who were those Members who held that bill for 9 hours on this floor?

It was the gentlewoman from Connecticut (Ms. DELAURO), it was the gentleman from Wisconsin (Mr. OBEY), it was the gentlewoman from New York (Ms. SLAUGHTER), and it was who is now the distinguished Speaker of the House, Ms. PELOSI.

Nine hours of dilatory tactics over 3 days. So what did the Republican majority do? They went to the Rules Committee, and they got a rule. And do you know what they did in the rule? They told all Members any amendment that is filed will be made in order under the rule, and we came back to the floor and we spent 9 hours debating every amendment that Members wanted to offer, and we completed the bill.

Now, if you want to bring a rule out here, at least allow us to be heard, at least allow us to participate, at least allow the 202 of us on this side of the aisle to represent the millions of American people that have sent us here to do their work.

All I have asked and all my colleagues have asked all year is for fairness. All we want is fairness. I know how you wanted to be treated when you were in the minority. I say to my colleagues on the both sides of the aisle we have both been in a minority. We both know what it is like to not have many tools at your disposal. I, when I was chairing the Education and Workforce Committee, made sure that all of our members were treated fairly and treated honestly; and I think my work with the gentleman from California (Mr. GEORGE MILLER) demonstrates that, while we had differences, we had a very fair process.

I understand that over the last 12 years some of my predecessors may have handled, may have handled, this floor in a less than delicate way. Over the last several years, my colleagues in the majority now complained that we

ought to have a more fair and open process here. I agreed with many of you, and you know it. And all I am asking for on behalf of the Republican Members, the minority Members here, is to be treated fairly and honestly.

The rule that we have before us that shuts us down is unfair, it's unwise, it's undemocratic, and it does not deserve the support of any Member in this House.

Mr. DREIER. Mr. Speaker, I urge a ''no'' vote on the previous question and on the rule.

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

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

I agree with the distinguished minority leader that this is disappointing. As a member of the Rules Committee, I regret this rule and I don't like it.

But what I like less are efforts to obstruct and stop the people's business. There is a difference between legislating and obstructionism. And I would say to the distinguished minority leader that fairness is a two-way street and what happened in this House on Tuesday, in my opinion, was pathetic.

What is at stake here is a bill to feed hungry people, is a bill to help rural America, is a bill to provide for better food security, and a bill to help our economy. This is serious business, and this is what we were sent here to deal with.

What happened on Tuesday, as I said, was pathetic. It stalled consideration of the Agriculture appropriations bill. It dismantled an agreement that worked well during consideration of the last 10 appropriations bills.

And let me say to my friends on the other side of the aisle, where I come from in Massachusetts, a deal is a deal. Your word is everything. So, please, when you break your word, don't act shocked when there is a reaction from this side of the aisle.

I will close by saying to my colleagues that it is important for us to move beyond this. It is important for us to work together. It is important for us to be more civil. I will concede to my friends on the other side of the aisle that my side of the aisle can do better, but you need to concede that your side can do better as well. And that is the way we restore the trust that, unfortunately, has been lost.

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

Mr. LEWIS of California, this is a sad day in the history of the Appropriations Committee and the House of Representatives. Meaningful, legitimate debate is being stifled and the voice of the Republican minority is being silenced. Sadly, this is the day that will be remembered as the day that the Democrat majority imposed martial law on the People's House.

My colleagues know that I have the highest level of respect for the chairman of the Appropriations Committee, Mr. OBEY. Together, we worked as partners during the 109th Congress, passing Appropriations bills through our committee and through the House. Our committee, and indeed, the House, is at its very best when we work together across patty lines and rise above purely partisan politics.

During the last Congress, I was privileged to serve as chairman of the House Appropriations Committee and Mr. OBEY was our distinguished ranking member.

During my tenure as chairman, the House considered 22 regular order appropriations bills. In each and every instance, I worked closely with my leadership and Chairman DREIER in seeking a rule that allowed for a maximum level of open debate, including amendments, on the House floor. Every one—every one—of those 22 annual spending bills was considered under an open rule.

We allowed and even encouraged dissenting voices to be heard on these bills. The result was often vigorous and lively debate on the House floor. But that's precisely why our constituents send us to Washington.

I was disappointed that Mr. OBEY's first bills as chairman—the fiscal year 2007 continuing resolution and the emergency supplemental—were both considered under a closed rule. Mr. OBEY, under direction from his leadership, is now heading down the same road yet gain.

The Democrat leadership, with absolutely no consultation with the minority, has adopted a closed rule for the consideration of the Agriculture Appropriations bill. As a result, scores of legitimate policy amendments offered by the minority have not been made in order.

This is a dangerous and perilous precedent that sets precisely the wrong tone as we attempt to complete work on our annual spending bills. A closed rule leaves the minority little choice but to walk away from the tradition of comity that has marked our longstaning work on this committee.

I find it interesting that we had only spent 3–4 hours debating this bill before the Democrat majority decided to pull the plug. I find it troubling that the decision was made by the Democrat leadership to impose a martial law, closed rule on the Ag bill in their rush to begin their month-long August vacation.

This legislation is simply too important to have it rushed through the House with no debate and no opportunity for the body to consider amendments. An open rule is the only proper way for the House to consider this legislation.

I certainly hope that this lock-down martial law rule on the Ag Appropriations bill isn't a preview of what the House can expect tomorrow as we consider the DoD Appropriations bill, legislation that comprises roughly one-half of all discretionary spending.

The Democratic leadership, which promised the most open and transparent legislative process in history, is now showing its true colors. It has failed to fulfill its commitment to the Members of this body by not affording all Members an opportunity to openly amend and debate this bill.

I urge my I colleagues to oppose this rule and adopt a rule that will allow free and open debate on this and other pending spending bills.

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

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 225, nays 197, not voting to 10, as follows:

[Roll No. 799]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
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
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker

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

NOT VOTING—10

Clarke
Crenshaw
Davis, Jo Ann
Davis, Lincoln
Ellison
Hoyer
Johnson, Sam
Rangel
Reyes
Schmidt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1614

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 224, nays 194, not voting 14, as follows:

[Roll No. 800]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Emerson
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
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
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

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

NOT VOTING—14

Clarke
Crenshaw
Davis, Jo Ann
Davis, Lincoln
Ellison
Fortenberry
Gohmert
Inglis (SC)
Johnson, Sam
Moran (VA)
Oberstar
Rangel
Schmidt
Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PERSONAL EXPLANATION

Mr. ELLISON. Madam Speaker, for most of August 2nd I was back in Minneapolis surveying the damage from the tragic collapse of the Interstate 35W bridge located in my district and missed Rollcall Votes 791–800. Had I been present, I would have voted "yea" on Rollcall No. 791; I would have voted "yea" on Rollcall No. 792; I would have voted "yea" on Rollcall No. 793; I would have voted "yea" on Rollcall No. 794; I would have voted "nay" on Rollcall No. 795; I would have voted "aye" on Rollcall No. 796; I would have voted "aye" on Rollcall No. 797; I would have voted "no" on Rollcall No. 798; I would have voted "aye" on Rollcall No. 799; and I would have voted "aye" on Rollcall No. 800.

□ 1622

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.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1172

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1172, a bill originally introduced by Representative Millender-McDonald of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2272, AMERICA COMPETES ACT

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 602, the conference report is considered read.

(For conference report and statement, see proceedings of the House of August 1, 2007, at page H9414.)

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER) for the purpose of making a unanimous consent request, and also to thank him for his help on this bill we are going to be taking up.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the chairman.

Mr. Speaker, I rise in support of the conference report. I want to applaud the work of Chairman GORDON, the conferees and the staff for getting us to this historic place in time on behalf of this COMPETES Act, which will make a great difference in America's economy in the future.

The issue of competitiveness has been at the top of our agenda since November 2005 when the House Democrats under the leadership of Speaker PELOSI, unveiled the Innovation Agenda.

The Innovation Agenda, which was developed in consultation with the business community, is aimed at keeping America competitive in our ever growing global economy.

In addition to the work by the Speaker, the Committee on Education and Labor focused the first hearings of this Congress on how to address the challenges posed by the middle class squeeze.

Through the Innovation Agenda and through our hearings, a common denominator was the desire by the business community to engage in ways to create a more innovative workforce that is better prepared to enter the growing high tech industry.

This conference bill meets this objective through partnerships that will engage the business community with higher education to create programs that will educate and train individuals to meet the industry's needs.

Additionally, I am particularly pleased that the conference bill addresses another key goal of the Innovation Agenda, which is to ensure a highly qualified teacher is in every classroom.

The new programs in the National Science Foundation and the Department of Education, modeled after the successful UTEACH and CalTEACH programs, will go a long way to better preparing teachers for the classroom.

I am also pleased to see a true vision for education in this bill with programs that encourage math education, ensuring access to advanced placement/IB courses, and the creation of P–16 councils which will help states better understand where students start and where they need to go.

Again, I applaud the work of the conferees. I look forward to continue working on securing funding for these valuable programs.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize that we have had differences of opinion, differences of policy and differences concerning procedure for the last couple of days. You have that at the end of a session before you go into a work period, and I am afraid we are going to have some more, and that is unfortunate. But we have an opportunity, at least for the next hour, to have a little window of civility, a little window to work together on a bill, a conference report that is bipartisan and bicameral. It is a competitiveness bill. It is a bill that is going to make America a better place for all of our kids and grandkids. I want to take just a little time to tell you about it.

This bill is a compilation of five bills that we passed out of the Science Committee on a bipartisan basis that came to the House floor, none of which received more than 23 votes against them. Then we piled them all together as a suspension and it passed unanimously.

LAMAR ALEXANDER in the Senate did yeoman's work by going to the Senators and getting 70 cosponsors. It passed in the Senate 88–8. Truly this is a bipartisan, bicameral bill.

The reason is, it is a good bill that is going to help manufacturers and businesses, it is going to help workers, it is going to help teachers, it is going to help students, to be able to help America to be in the lead in the world in terms of manufacturing, research, technology and innovation.

Again, I want to tell you how this bill came about. Three years ago, Sherry Boehlert, then the chairman of the Science Committee; LAMAR ALEXANDER, who was chairman of the Science Committee in the Senate; myself and JEFF BINGAMAN, we all asked the National Academies to do a report on the competitiveness of America in the 21st Century. It was a sobering report.

Norm Augustine, the former chairman of Lockheed, Craig Barrett, the chairman of Intel, and several noted scholars and other business individuals came together and said America was on a losing track, which meant that my 6-year-old daughter, many of your children and grandchildren, these two children right here, could be the first generation of Americans to inherit a national standard of living less than their parents, a complete reversal of the American dream. That is why so many of us came together to try to do something.

This is not a Democratic bill. It is not a Republican bill. This simply is a compilation of the recommendations of the report ''Rising Above the Gathering Storm.''

Let me tell you a little bit about this bill. It really composes three general areas.

The first is they said we have got to lead the world in terms of our science and our research, our innovation. So this bill is an authorization that is going to double over the next 7 years the National Science Foundation, the Office of Science and the Department of Energy, as well as the National Institute of Standards and Technology.

Let me remind you, because I know there are some folks who are going to say this is going to be too much money. This is an authorization. My friend from Tennessee and the other appropriators will determine whether it is going to be too much. We will work together to make that determination. This is a responsible, I think, 7-year increase.

Then they came back to us and they said that American manufacturers and American workers have to work at a higher skill level. There are 7 billion people in the world right now, and half of them make less than $2 a day. We don't want to compete like that. We can't compete like that. So that means if they are making one widget in India or China, we have got to make 50 widgets here in America. And we need to be not only making the widgets, we need to be inventing the widget maker and manufacturing that widget maker here in this country.

If we are going to do that, then whether you are a high school graduate, a junior college graduate, a college graduate, you have got to work at a higher level, which means you are going to have to have science and math skills.

But the report tells us we are not doing very well in that area. As a matter of fact, right now, only Cyprus and

South Africa have lower scores than we do in the science and math areas.

□ 1630

So what do we do about this? Well, they looked around and tried to figure out what the problem is. Are Americans just not as smart? No, that is not the problem. Do we need maybe smaller classrooms or more equipment? Those things would help. But the real problem is this, and listen to this: The fact is 67 percent of the teachers that teach in middle school in this country have neither a major nor a certification to teach math. And 87 percent of the physical science teachers in this country have neither a certification nor a major to teach those subjects. So it is very difficult to teach or inspire if you haven't had an opportunity to really understand those courses. This is not a slur to those good teachers. I want to give you a personal story.

My father was a farmer. World War II comes along. He enlists, comes back, and he wants to be even a better farmer. So he takes advantage of the GI bill and goes to college at Middle Tennessee State University. He gets a degree in agriculture. Well, a few years later I come along and my mother had to give up her job. She was working at a high school cafeteria. So my father applied to be a teacher in addition to being a farmer. He was the last person hired to teach at Smyrna High School in my home county. So since he was the last person hired, you might imagine, he was assigned to teach high school science and to coach girls basketball. I am not sure which he knew the least about, which really wasn't fair to him or his students.

And so we want to take care of those good smart people, those good smart teachers, and help them do a better job. So we are going to bring those kinds of teachers during the summer and, with stipends, allow them to get their certifications, hopefully AP, IB. Hopefully they will get a master's.

We are also going to have a whole new corps of teachers. We want to provide competitive scholarships for 10,000 students a year that will go into math, science and education and agree to teach for 5 years. And 5 years is important, because we find that half the teachers quit teaching in the first 5 years. We have to get them over that hump.

Next they said, and this may sound familiar, they said that America needs to be energy independent. This was before we started talking about the price of oil going up. This was before that. They gave us a way to do that. They suggested we look at the Department of Defense, DARPA, for a model. There is something in the Department of Defense called DARPA. It is an advanced research operation that takes high risk, high rewards. It is where the Internet was discovered and developed, and it is where stealth technology was developed.

They said this is a proven model. Take it over to the Department of Energy and set up a high-risk, high-reward agency there, but have very narrow management. Have a few employees and let them manage programs. Take the seven or eight most cutting-edge types of technologies, those that can really jump us ahead, and let's crash on them. Let's bring in the national labs, the private sector, the public sector and our universities, and let's make some real breakthroughs. Now, if one doesn't work, fine; pull the plug. But let's not be afraid to fail because we have to make these types of jumps in technology so we can have not only energy independence, but we will also have new jobs and new exports for America.

That is what we did. We brought all of these things together, and that is why we have a bipartisan, bicameral bill. I encourage my colleagues to support this bill.

I reserve the balance of my time.

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

Mr. Speaker, I rise today to speak on the conference report on H.R. 2272, the COMPETES Act. This legislation is based on President Bush's American Competitiveness Initiative and is aimed at improving our competitive edge throughout science, technology and engineering, math education, research and innovation. I supported this legislation when passed by a voice vote in the House 3 months ago because we needed to take the steps to ensure our future competitiveness.

There are several good things in the conference agreement. I am pleased that H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, which I am an original cosponsor of, formed the basis of the NIST provisions in the House bill. In addition, the House bill includes language for manufacturing grant programs that have passed the House three times. Finally, our bill authorized the Technology Innovation Program.

I wish to thank Chairman GORDON and thank Dr. EHLERS and Dr. GINGREY, who contributed their expertise to the NIST provisions.

I would also like to mention the High Performance Computing Act language of Mrs. BIGGERT that is included in the House bill. I also thank Mr. SENSENBRENNER for his protection of the bill legally throughout the course. These excellent provisions have been retained in this conference report.

In regard to NASA, the House bill contains important provisions to address the National Aeronautics and Space Administration, directing NASA to be a full participant in any interagency effort to promote innovation and competitiveness through basic scientific research and development and promotion of science, technology and engineering and mathematics education.

While these and other programs move us in the right direction, I have serious concerns about other provisions in the conference report, and tried in committee and in conference to address these concerns. I had the honor of serving as a conferee and met informally with the two Senators and Chairman BART GORDON in an effort to work out our differences.

When we met with the entire conference committee on the Senate side, we were given only 1 hour to meet with the entire conference and come with the final agreement.

Our concerns, unfortunately, were not addressed, and I, along with most of the House Republican conferees, did not sign the conference agreement.

First and foremost was the cost. The House passed a $24 billion bill that roughly mirrored the President's ACI initiative and even increased the budget in many areas. However, the conference report goes way beyond that amount to authorize $43.3 billion in spending. That is close to $20 billion over the House-passed bill.

Finally, I think the report includes the creation of an Advanced Research Projects Agency—Energy, called ARPA–E. I remain opposed to establishing an unnecessary bureaucracy at DOE that the agency itself does not want and does not support. I share concerns with some of the Department of Energy education provisions. I believe new programs in this bill go way beyond where DOE and our national laboratories should be involved.

At the end of the day, however, it is difficult for me on final passage to refuse to support a bill that contains many provisions good for my district, good for my State, and I think good for the Nation and that advances some of the President's American Competitiveness Initiative.

I will support a motion to recommit, however, that contains the same provisions that I offered in a motion to instruct that passed the House just 2 days ago. I will reluctantly vote ''aye'' to pass this bill on to the President for his signature.

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

Mr. GORDON of Tennessee. Mr. Speaker, first I want to thank my friend and ranking member for the work that he did in bringing this bill before us today. I also want to thank him on all of the good things that he said about this bill. It sounds like we almost got him.

We did have a conference, and when you have a conference, you have to make compromises. This is probably not a perfect bill, but as Dr. EHLERS said earlier, he has never seen that perfect bill. But I will remind everyone that every Senator, Democrat and Republican, signed the conference report, and it was bipartisanly signed in the House.

Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the conference report on H.R. 2272, the 21st Century Competitiveness

Act of 2007. I was pleased to have served on the conference committee that produced this conference report, and it is the result of a 6 months or more longer process that began on the House side with a series of bills in the Science and Technology Committee.

I especially want to recognize the leadership of Chairman GORDON and Ranking Member HALL, and on the subcommittee which I chair, Dr. GINGREY, for their leadership and cooperation in producing this bill, and also the very hardworking staff who helped produce this bill. I frequently said that you don't have to be a rocket scientist to be on the Science Committee, but you need to be a rocket scientist to be on the Science Committee staff.

These many bills were ultimately packaged into H.R. 2272, which reflect a bipartisan consensus in the House on the immediate actions and funding we need to keep American innovation strong.

The conference agreement before us today preserves the key provisions of H.R. 2272 and lays the foundation for benefits that will be reaped by our children: good jobs, strong economic competitiveness, and a better quality of life.

I want to talk specifically about title III of the conference agreement, which reauthorizes the activities of the National Institute of Standards and Technology, or NIST. NIST's mission is to promote innovation and industrial competitiveness by advancing measurement science, standards and technology. The new technologies that are producing global winners in the 21st century, including nanotechnology, advanced manufacturing and information systems, rely on tools developed by NIST to measure, evaluate and standardize. These tools are enabling U.S. companies to innovate and remain competitive, which is why NIST's mission has never been more urgent than it is today.

This conference agreement puts NIST's budget on a 10-year path to doubling as an investment in the future of American innovation. It substantially increases the NIST lab budget to enable it to expand its work in new technical areas, and it funds the completion of current laboratory construction projects in both Boulder and Gaithersburg.

Title III also places the Manufacturing Extension Partnership, MEP, on a 10-year path to doubling. The MEP is a proven and highly successful public-private partnership that provides technical assistance to small and medium-sized manufacturers to improve their productivity and competitiveness. A fully funded MEP will go far to reinvigorate our manufacturing sector, which has lost almost 3 million jobs since 2001.

Title III also responds to changes in global competition by establishing the new Technology Innovation Program, TIP, to replace the old Advanced Technology Program. TIP will help small, high-tech firms with big ideas cross the technologic valley of death by providing them with limited cost-shared funding to develop technologies that address critical national needs either alone or in joint ventures.

If you support American jobs, maintaining our economic competitiveness and a high standard of living, you should support the conference report on H.R. 2272.

Mr. HALL of Texas. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a conferee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this conference report. While I applaud the overall goal of this legislation to ensure that America remains competitive in a global economy, particularly in the areas of math and science, research and education, several provisions included in the report remain of concern to me and should be of concern to the entire House.

The conference report authorizes $43.3 billion over 3 years. I appreciate that the conferees were willing to compromise by bringing the overall funding closer to the House version, but this agreement remains $20 billion above the House-passed level.

Members of this Chamber spoke in favor of the lower level of $24 billion when the House overwhelmingly passed the motion to instruct earlier this week. How soon we forget.

It is not fiscally responsible to pass a conference report that nearly doubles the House-passed authorization. We need to foster American science and mathematics innovation, but we shouldn't be breaking the bank to do so. I am afraid this bill will be another example of congressional over-promising and heightening expectations because the appropriators will never come close to funding these amounts.

Roughly half of the spending authorization included in the 21st Century Competitiveness Act conference report is designated for the National Science Foundation.

□ 1645

When I was chairman of this committee, I fought to increase funding for the NSF because I recognized that this agency is the foundation for new advances in medicine and technology. When the House passed H.R. 2272, we included language to double the NSF's budget over a 10-year period, a goal I support, thereby meeting the President's American Competitiveness Initiative's goal.

But the conference report goes well above and beyond this initiative, adding billions of dollars to the bill's final price tag. Finding ways to save is never a fun task, but given that our Federal deficit is expanding by the minute, increasing the NSF budget well above double over 10 years is not in our Nation's best financial interests.

If the economy is wrecked due to deficit spending and inability to manage the national debt, all of the good things that the sponsors of this legislation hope will come about will end up being ruined because the economy is not able to sustain what we propose here.

I'm also disappointed to see that the grants promoting coal-to-liquids technology and advanced nuclear reprocessing research were not included in the conference report. Language passed by the House would have given priority to grants to expand domestic energy production through coal-to-liquids and nuclear reprocessing research. With energy prices in constant flux, now more than ever we must find ways to reduce our dependence on foreign energy and encourage energy production here at home, also a keystone to continued economic prosperity.

A comprehensive, balanced energy policy is necessary to improve and sustain America's energy infrastructure. It's regrettable that the conference report does not reflect this objective.

For these reasons, I am opposed to this report. I will support the motion to recommit offered by the gentleman from Illinois (Mr. SHIMKUS).

Mr. GORDON of Tennessee. Mr. Speaker, I certainly understand my friend from Wisconsin's concerns. In the House, we did pass a 10-year doubling of the National Science Foundation. In the Senate, they passed an authorization for 5 years. Seven was a compromise, I think a reasonable compromise, and I remind everyone that we're in a pay-as-you-go budget, and the appropriators know they have to pay for what they appropriate. So I think that was a good and fair compromise.

Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY), a very valued member of the Science Committee.

Ms. HOOLEY. Mr. Speaker, I thank Chairman GORDON for giving me a chance to speak on this important legislation. I applaud your leadership and that of your subcommittee Chairs on these issues and for the expediency by which this conference report was put together.

America's greatest resource for innovation resides within our classrooms in Oregon and across this country. We must give our students more opportunities to be highly trained in math and science and technology so they can turn ideas into innovation.

Too many of our family wage jobs go overseas and too many of our children are falling behind their international counterparts in math and science achievement. With this legislation, we've taken bold steps to increase America's global competitiveness and to ensure that we have a robust, world-class science and technology workforce here in America.

The key to the United States maintaining its position at the forefront of global innovation and technology is to get more students interested in the science and math fields. This legislation does just that.

I urge the passage of this conference report.

Mr. HALL of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the ranking member for yielding.

We've heard a lot of discussion, pro and con, on this bill. It is a good bill. Now, it spends more money than I would like. It actually lists more money than we will ever spend. This is an authorization bill; it is not an appropriations bill. And I know from 14 years of trying to get the appropriators to spend more money on science research that they will not appropriate anywhere near the money that we are authorizing in this bill. So, please don't think because it's a bigger bill than we expected that it's actually going to result in those expenditures.

Let me also comment about the investment aspect. I get tired of the word ''investment'' here. Everyone says we're going to invest money in this, we're going to invest in that, when actually we are just spending money. But this is a bill where we're clearly investing money, and there is a return on the investment in this money, because we are investing in research with a return on it.

When I first came to the Congress I was commissioned by Chairman Sensenbrenner and by Speaker Gingrich to write a report on where we should be going in science in this country. I did so and I examined this investment issue. I tried to pin it down.

There are lots of expert estimates on the return on investment on scientific research. The lowest figure I found was 25 percent annual return. The biggest number I found was 4,000 percent annual return. Take your pick between, but it's better than any other investment you can do. There is substantial return on science investment.

Let me give you one example. Years ago, when I was a graduate student, a friend of mine, Charles Townes, now a Nobel Prize winner, developed a laser. We all knew the principles of it. We knew he would likely succeed at some point. He operated with government funding, through a research contract. I don't know the exact amount, but I doubt if it was a great deal more than $10 million in the dollars of that day. He did develop the laser.

Today, the laser has created a multi-, multi-, multibillion dollar industry. The clothes you are wearing were cut out with lasers. Many of you have had laser surgery in hospitals or in doctors' offices. Every pipeline laid in this country is laid with directional laser beams. Every ceiling hung in this country and throughout the world is hung with the use of lasers.

The first laser I had cost about $1,000. I used it for research in the lab. Today, for $15.00 I can buy an equivalent laser in the gift shop in the Longworth building to use as a pointer. All of that, this multibillions of dollars simply from a $10 million Federal grant. That is the type of return we're talking about here.

This bill is a blueprint for the direction we want to go. We will by no means do all the projects in here. We will by no means invest all the money that is authorized here. Science is a progressive field. We will do the research. We'll find what pays off, and what doesn't pay off. This progressive process of science will allow us to efficiently allocate our resources as we determine the results.

Now, there are some things in this bill I don't think are that good. ARPA-E receives a lot of mention. I don't know if it will work. It worked fantastically in the Defense Department when we did it there. Will it work here? We don't know. We'll find out. If not, we kill the project.

We spent a lot of money here in the first years the Republicans took over this majority in doubling the investment in the National Institutes of Health. The amount of money we put into the National Institutes of Health alone during that period is greater than the total sum of money authorized in this bill. We put it in. It has paid off. Better health products, better analytical techniques to determine illness, to find cures. Very rarely, if you do the science carefully and it's peer-reviewed, very rarely do you find out that it is a bad investment.

Another aspect, we are losing out to other nations in international competition. We are losing out in science and math education. We're losing out in innovation. We're losing out, obviously, in manufacturing because of outsourcing.

If you look at the proof of that, simply examine the scores of our students in 12th grade classes in math and science in international tests across the entire world. Where do we come out? You've heard Chairman GORDON mention some of that a little while ago, but we are not proud of the results.

In physics, we are last of the developed countries in our student scores in 12th grade physics. We are second from the last to all developed nations in the scores for mathematics in 12th grade. We are about fifth from the bottom in general science, just a composite of science subject. In the PITA studies which were completed recently in mathematics comparing students in developed nations, the United States was last out of 21 nations.

We cannot compete in this world if we don't improve. We have to teach our students better. We have to train our teachers better. We have to train the teachers coming out of college so that they can teach in the high schools. We have to train the teachers who are already teaching, who from my experience I know want to teach better, but they have never been properly taught science and math or how to teach it. That again is part of this bill.

America is based on competition. We are a competitive Nation. We survive on competition. We thrive on it. Give us a chance. Give our kids a chance by properly training them to be able to do the scientific research and the technical work that this world needs.

We have to conquer this manufacturing problem we have now. We talk about jobs going overseas because there are cheaper wages. I have talked to manufacturers. I have a manufacturing district. That's not it. They're going overseas to get the talent, not to get the cheap salaries.

With our cutback on H–1B visas, many of my manufacturers are being forced to go abroad to get the work done. I don't like it. They don't like it. And if we do the job right, we will once again bring those jobs back to this country.

Finally, I just want to mention the huge number of endorsements this bill has received. The Chamber of Commerce has endorsed it and is scoring it. The National Association of Manufacturers has endorsed and is scoring it. And I've a list here and Chairman GORDON has also handed out a list of some 30 different scientific organizations supporting this bill.

This is not a fly-by-night bill. It may be more expensive than we want, but we won't spend all the money, I can guarantee that, because the research will be thriftily done and through a progressive scientific method of handing the money out and doing the research step by step.

This conference report represents the culmination of years of work by many people. Expert reports from the National Academies, Business Roundtable, National Association of Manufacturers and Business Higher Education Forum—just to name a few—kept telling Congress that the federal government must increase its investment in basic research and in science and math education, and must ensure that the funds it invests are spent on programs that will keep the U.S. competitive in the global economy. These reports had an enormous impact on the White House's thinking about competitiveness, and resulted in the President's introduction of the ''American Competitiveness Initiative''. Congress has responded to the recommendations about precisely what steps the government should take in the 21st Century Competitiveness Act of 2007 before us.

Beginning in 2006, the President's American Competitiveness Initiative (ACI), launched a three-pronged approach to competitiveness by strengthening research at the National Science Foundation, the Office of Science at the Department of Energy, and the laboratories and construction of the National Institute of Standards and Technology (NIST). This bill fully supports the ACI-requested improvements as well as strengthens programs focused on teacher training and education in science, technology, engineering and math.

The 21st Century Competitiveness Act of 2007 also includes some new ideas, such as the establishment of a DARPA-like agency at the Department of Energy. While I have been skeptical of this idea, it did originate with the experts at the National Academies, and, if it is able to achieve its goals of overcoming some of the great technology hurdles needed to

solve our energy problems, it would be revolutionary. The conference committee recommended $300 million to get this idea off the ground, a much lower amount than was originally proposed.

Last but not least, the bill also addresses the long-term problems facing our nation's manufacturers by broadening and strengthening manufacturing extension services and reviving manufacturing innovation through collaborative research and development. Although manufacturing has experienced tremendous technological gains over the last few years, international competition has exacted a toll on our nation's manufacturers. There is no evidence that these pressures are likely to go away, but this bill takes steps to help our manufacturing workforce grow and innovate.

It is clear that our nation is at a crossroads. The U.S. will either invest in innovation or witness the gradual erosion of our economic position and, quite possibly, the quality of life to which Americans have become accustomed. I recognize that many of my colleagues are concerned that this bill spends more than $40 billion dollars over the next three years. If there is ever an investment that will guarantee an economic return, this is it. To quote from the executive summary of the National Academy of Science (NAS) report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future:

> Having reviewed trends in the United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength . . . [W]e are worried about the future prosperity of the United States . . . We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost.

Science and technology are the fundamental movers of our economy, and if we want to remain globally competitive, this bill is the sure fire way to guarantee results. The dividends paid by training scientists, engineers, and teachers will multiply throughout all sectors of our economy.

I want to thank Chairman GORDON and Ranking Member HALL for working on all of the bills that have become a part of the 21st Century Competitiveness Act. I hope my colleagues will support this investment in our nation's future.

Mr. GORDON of Tennessee. Mr. Speaker, I want to concur with the eloquent remarks of Mr. EHLERS. He's a great addition to our committee.

Mr. Speaker, would you report on the time remaining?

The SPEAKER pro tempore. The gentleman from Tennessee has 16 minutes remaining. The gentleman from Texas has 15 minutes remaining.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the vice chairman of the Science Committee, Mr. LIPINSKI.

Mr. LIPINSKI. Mr. Speaker, I'd first like to thank Chairman GORDON for all his work on this bill and also Ranking Member HALL.

As vice chairman of the Science and Technology Committee, as an engineer, as a former professor, and just as an American who's concerned about our future, I stand today in strong support of H.R. 2272.

Today, America faces an enormous challenge. Two years ago, the National Academies warned us of a gathering storm that threatened our Nation in the 21st century. Their report told us that without immediate action the U.S. could lose its competitive technological edge in the world, meaning a dimmed future for our Nation. This bill will give us the jolt that we need to keep America in the lead, increasing our support for American researchers, scientists, engineers, educators and, most importantly, students, all of whom will turn their ideas into innovative new technologies which will advance our economy and ensure a brighter future for our Nation.

Dr. EHLERS very eloquently talked about how important investment is and what a great investment this bill is. As a former educator and researcher, I understand the immense value of investing in our future but especially in our children's education.

This bill provides $150 million for K–12 science, technology, engineering and math education, ensuring that American children won't be left behind as the world moves forward with new technology. These critical investments will create and equip thousands of new teachers and give current teachers the skills they need in order to be effective teachers of science and math.

The Competitiveness Act also creates an Advanced Research Projects Agency for Energy, which will invest in high-risk, high-reward R&D to help us overcome the technological barriers in the development of new energy technologies. These revolutionary new technologies will play a major role in securing our national energy security and protecting our environment.

And, finally, increasing NSF funding is a great advance and investment, and I urge my colleagues to support this conference report.

□ 1700

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to Dr. GINGREY, the gentleman from Georgia and a conferee.

Mr. GINGREY. I thank the gentleman from Texas for yielding.

Mr. Speaker, I was on the floor earlier today railing against the rule on this conference report, and I voted against the rule. The reason I did that is because I thought the rule and the bill, in fact, were rushed to the floor and didn't follow regular order. I thought it was appropriate that I voted against the rule.

But I am here today to tell you that I am going to vote for this conference report.

As a member of the Science Committee, and as a conferee, I am very proud of the work that has come through the Science Committee. I commend Chairman GORDON. I have been enjoyed being on the Science Committee. This is my second term serving on the Science Committee, first with Chairman Boehlert and now with BART GORDON and serving with DAVID WU on the Technology and Innovation Subcommittee. I think we do great work on the Science Committee.

Now, I typically associate myself with the more conservative, fiscally conservative members of the Republican conference. I know that some of my colleagues are going to vote against this conference report because they are concerned with the level of authorized spending, and they are maybe going to be a little surprised that I am voting in favor of it.

My good friend back in Georgia, Joe McCutchen from Ellijay, Joe from Ellijay, I bet you Joe is watching right now cringing that I am going to vote for this bill that increases spending. It does authorize more spending than I am comfortable with, but I am very, very hopeful that when we get to the point of appropriating, I will be standing here asking, probably, for 1 or 2 percent cut in the amount of money that's appropriated, as I have done on most every spending bill that has been brought before the 110th Congress.

But I think this is one of those situations where it's better that we spend a little too much than not quite enough, because we are at war in this country on an economic level. We are in an economic war.

We are also in a shooting war, and we all know that. Every Member on both sides of aisle is committed to funding and supporting our troops, give them the equipment and what they need to win.

Well, this is the same situation, the analogy is we need to give our soldiers, in this economic war, the equipment that they need to win. These soldiers are our students, particularly at the K–12 level. That's why it is important that we support this conference report.

I hope my colleagues on this side of the aisle will understand that. I hope that I will not lose my brand as being a strong fiscal conservative.

Now, it was mentioned earlier that there are some score cards going around, and I will do pretty well on some of them, and I will do rather poorly on others. But we can't always worry about score cards. Like I say, in this situation, you got both sides kind of tugging at you one way or another. You have to, in the final analysis, do the right thing.

We have members on this committee, on both sides of the aisle, I think there are five Ph.D.s, Dr. BAIRD, Dr. EHLERS, Dr. BARTLETT, Dr. MCNERNEY, Professor LIPINSKI, Dr. GINGREY. I am not a Ph.D. I am as much a doctor of art as I am a scientist. This is some serious business, as has already been stated. It's important for us to understand that.

We can remain to our fiscal conservative principles, but in a situation like this, let's give our kids a chance to compete so we can win this global war, this economic war we are in. I am going to support this conference report. I encourage all my colleagues to do the same.

Mr. GORDON of Tennessee. I thank my friend from Georgia, Dr. GINGREY, for not only his support for this bill but his very active, passionate work on the Science Committee. He is a valued member.

Also let me point out that I think the endorsements of this bill, by the National Chamber of Commerce, by the National Association of Manufacturers, by Business Roundtable indicate very well that this bill very much is in the economic scope.

Mr. Speaker, I yield 2 minutes to a valued member of the Science Committee, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me express my appreciation to Mr. GORDON and Mr. HALL, Dr. GINGREY, Dr. EHLERS and others who have been active on the other side and shown interest, not just recently, but over the years.

Mr. Speaker, my colleagues and I in the Science and Technology Committee have held numerous hearings and markups to prepare the legislation that is before us today in the form of a conference report. Today this bill authorizes $33 billion over fiscal years 2008–2010.

You know, I grew up with my father saying nothing is free, and you get what you pay for. If you invest, you will get a return, and that's just where we are. We are in need of stimulating our teachers and our students to specialize in these areas so that we can be competitive in the world.

We have allowed ourselves to get behind, we are investing less than almost any other developed country, and we must step up to the plate now, the time has come. It will help to prepare thousands of new teachers and provide teachers with better materials and skills through our expanded Noyce Teacher Scholarship Program and through the Math and Science Partnerships Program.

In my district are the number one and number two public schools in the Nation, as Newsweek says. Texas Instruments has invested numerous dollars, thousands, in that school, and it is very good. We put out some of the best students in the Nation from our schools, but it only has about 20 to 25 percent of the students that need all of this. It is needed across the Nation. We are not going to get it until we provide for it. We will not get competitive until we do this.

So I would say please support the conference committee for H.R. 2272. It only provides what we need, and we cannot get it for free.

I know that we have spent a lot of money on this war, a lot more than they are asking for in here; but we have got to take care of this Nation.

Mr. HALL of Texas. Mr. Speaker, may I ask how much time we have left.

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes.

Mr. HALL of Texas. Mr. Speaker, I recognize the gentleman from Illinois (Mr. SHIMKUS) for 3 minutes.

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

Mr. SHIMKUS. Mr. Speaker, upon conclusion of this debate, I will be offering the motion to recommit.

The motion to recommit will require the House conferees to adopt the House position, which was supported in a motion to instruct conferees on this floor only 2 days ago by a vote of 258–167, 69 of them being Democrats, including nine Science Committee Democrats.

For fiscal conservatives, this would require the conferees to insist on the overall House authorization level, which is $20 billion less. For the second part of this motion, it would require the House conferees to again support the previously adopted House position with regard to giving priority grants to expand domestic energy production through the use of coal-to-liquid technology and advanced nuclear reprocessing.

Again, this was the exact motion to recommit of 2 days ago.

I have heard the debate of my friends: if we want to have a blueprint to where we want to go, we want to go for energy security. We are going to take up a bill on the House floor in a day or two that has no energy production. So how are we going to go advance science research, the next generation, if we don't have priority grants in nuclear reprocessing and coal-to-liquid technology?

We heard the debate. We know that people want to go to coal-to-liquid technologies, but we don't know if it's going to work. We don't know if we can sequester. We don't know if we can refine it less than the barrel of crude oil. That's what this energy is for. Energy security.

Let's get our best minds on this, but the conference report pulled it out. That's why I will offer the motion to recommit.

Two things on coal-to-liquid, I could talk about nuclear reprocessing all day. It should be in this bill. But I want to focus on coal-to-liquid technology, economic security, national security.

Look what coal-to-liquid does, are 80,000 barrels, 1,000 new jobs, 2,500 to 5,000 construction jobs, 15 million tons of coal per year, up to 500 coal mining jobs in one coal-to-liquid refinery.

Talk about national security? Here's national security for you. Are you tired of our reliance on imported crude oil from the Middle East? If you are tired of it, then you go to coal-to-liquid technologies. You take our coal that's under our ground. You move it up to a refinery that's not on the gulf coast, that's in the Midwest, or wherever there are coal fields in this country, you refine it, you put it in our pipelines, and as this shows, you know where it goes? To our jet fighter planes, to our jet cargo planes.

The Department of Defense is crying for us to provide jet fuel for them through this technology. But, no, we can't do it.

Here you got a science bill, you want to give grants to help us move in the next generation, you pull out nuclear reprocessing, and you pull out coal-to-liquid technology. You are going to bring to the bill an energy bill with no energy. That's why I am moving this motion to recommit.

Mr. GORDON of Tennessee. Mr. Speaker, I will remind my friend from Illinois that there is nothing, nothing in this bill that says that the Department of Energy, the Office of Science, or RPE cannot do research on coal-to-liquid. Nothing in this bill stops that.

Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Energy and Science, Mr. LAMPSON from Texas.

Mr. LAMPSON. Thank you, Chairman GORDON, for your time and also for your great leadership on the Science Committee. All of us on the committee are doing great work.

Mr. Speaker, I am honored to support the America COMPETES Act and to be a conferee on this important legislation. We are now showing that we are dedicated to investing in America's future.

More specifically, we are investing in students and teachers and businesses and hardworking Americans to keep our great Nation the leader in the sciences. This bill, the product of hard work and bipartisan efforts, is inspired, some might say, by the National Academies' report, ''Rising Above the Gathering Storm,'' which raised the alarm that America could lose its competitive edge in sciences and academics unless we, the Congress, acted quickly.

Well, we have acted, and this package of key bills addresses numerous areas, including stronger support for National Science Foundation and the National Institute for Standards and Technology, funding for more teachers in undergraduate education in science and engineering. Academics, industry and our economy all depend on strong Federal support.

By authorizing billions for our research and education programs, technology, career and academic development programs, we ensure that America sets the gold standard in these various fields.

I, of course, know the importance of this funding firsthand, having been a former teacher. My colleagues know how much of an advocate I am for NASA with the Johnson Space Center being in my district.

I am proud to represent many of the Nation's best and brightest minds who continue to turn our dreams of further scientific knowledge and technological advancement into reality.

It's not just talking about space travel. The energy industry plays a significant presence in my district, and the future of alternative fuels and higher fuel efficiency and stronger and more reliable infrastructure depends on training the energy experts of tomorrow.

Well, the Texas Medical Center, also located in southeast Texas, is a leader

in cutting-edge health care and technology and needs future health care providers who have a strong science background. Therefore, I know that the America COMPETES Act, by supporting both academics and science, will be a boon to southeast Texas for our Nation.

□ 1715

Mr. HALL of Texas. Mr. Speaker, I recognize the minority leader, Mr. BOEHNER, for 1 minute.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding, and say to my colleagues, the issue of competitiveness is an important issue in America. We are competing with countries all over the world and, as a result, real competition brings out the best in all of us.

When I look at the bill that we have before us, it really shows me everything that is wrong with Washington. This bill left the House with a $23 billion authorization. It comes back with a $43 billion authorization, creating 40 new programs.

Now, these are well-intentioned programs. I am sure there are some very good things in this bill. But when you begin to think about 40 new programs that are being authorized, there is no spending available for these. We authorize all kinds of bills, but then we have to go find the money to pay for them.

We know what the appropriations process is like, and I will just point out one tiny example. There are 208 math and science programs that are operated by 13 Federal agencies; 208 math and science programs, 13 different agencies. And guess what we do in this bill. We create five or six new ones.

Now, I have been trying to get my arms around this for about the last 5 years. Why can't we find a way to take these programs and the money that we are spending on them and try to do some coordinated approach that really will produce more math and science majors? That is not what we do. We just keep adding new programs. It happened last year. It is going to happen again this year.

It just reminds me of the old adage: If you throw enough mud against the wall, some of it is sure to stick. In Washington, that adage has been turned around: If you throw enough money at the wall, some of it is bound to stick. But at the end of the day I don't think that is what the American taxpayers want us to do. I think they want us to do things that pass the straight-face test. And adding five more or six more math and science programs to the 208 that we have makes no sense to me at this time.

If we are serious about competitiveness and serious about allowing our manufacturers and our companies, our software companies and others in our country to be able to compete, let's look at the regulatory burden that we put on our companies that doesn't exist around the world. We regulate things until it can't hardly breathe, and we wonder why our companies can't compete as well around the world.

Why don't we talk about extending and making permanent the tax cuts, giving companies in America certainty about the reasons to invest in the American economy, reasons to invest in their own future? And if we were to make those tax cuts permanent, people would have some feeling and some certainty about what the tax regime is going to be in our country so that we can in fact allow them to put greater investment here.

What about tort reform? Nowhere in the world do our companies get beat up by the courts and the trial lawyers and no place any more than here in America. If we want to be able to compete around the world, if we want to bring the cost of doing business down, why don't we do something about tort reform?

Let's talk about expanding free trade and markets around the world. We have got three or four trade bills that are laying around here languishing for countries in Central and South America. Again, we want to be competitive, but why don't we help work with countries around the world to reduce those barriers so that we have more markets for our companies to go out and compete in?

And, at the end of the day, if we are serious about being able to compete in a worldwide market, we have got to do something about educating our children. I think most of us that are here today know that we educate about half of America's kids. Maybe a little more than half get a high school diploma. Some of them can't read it. But the fact is that we have never been serious in this country about providing all of America's children a chance for a decent education.

And that doesn't mean that Washington has to drive all of it. But we as a country, as a Nation, need to get serious about finding ways to give every person in this country a chance at a good education. Because if we educate more of America's kids, we will have more math teachers, we will have more scientists, we will have more engineers, we will have more teachers. But we can't do that if we don't get serious about improving our schools and making sure that all kids have a chance.

This bill creates a lot of Washington bureaucracies and a lot of Washington bureaucrats, and the only thing competitive about this bill will be the competition for office space created by all the new bureaucrats that will be employed as a result of this bill.

I know there are some good things in this bill, and I know my colleagues worked hard at it. But at the end of the day, this looks too much to me like Washington as usual and, as a result, I am unable to support this bill.

Mr. GORDON of Tennessee. Mr. Speaker, I know the minority leader is very sincere about his concerns here. I wish I had the time to address them one by one.

Let me just quickly remind everyone that we look at this bill, the American Chamber of Commerce thinks it is a good investment, the National Association of Manufacturers thinks it is a good investment, the Business Roundtable thinks it is a good business. Virtually every business major in America thinks this is a good investment. All the universities and research agencies thinks it is a good investment. But there can be sincere differences of opinion.

Mr. Speaker, could you report to me the time I have left?

The SPEAKER pro tempore. The gentleman has 8½ minutes remaining.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1¾ minutes of those to my friend and colleague from the Energy and Commerce Committee, Ms. ESHOO.

Ms. ESHOO. Mr. Speaker, I thank the distinguished Member, the chairman of the House Science and Space Committee.

Mr. Speaker, Americans of my generation and my parents' generation as well have always accepted it as an article of faith that the United States of America would lead the world in innovation, in ingenuity, and in invention. And, no matter what the challenge would be, that we as a Nation would rise to that test, we would meet the competition, and we would come out on top.

It was true in the 1930s, when President Roosevelt responded to the concerns of scientists in our country about the Nazi government and what they might develop with the Manhattan Project. It was true in 1961, when America awoke to the fact that a Soviet cosmonaut had been launched into space, and President Kennedy responded by saying as a Nation we have to commit ourselves to achieving the goal that, before the decade was out, that we would land a man on the moon and return him safely to Earth. And we did when Neil Armstrong landed on the moon in 1969 and took a giant leap for mankind.

We know that there is a gathering storm when it comes to innovation and competition for our country, and that is what this legislation directs itself to.

We have to perform. We have to produce more scientists, more mathematicians, educate our children, invest in science, and research. That is what this bill is about.

I have an optimistic view of America. I don't share the somewhat depressed view that the distinguished minority leader offered. We can, we have in the past, we will in the future. This legislation today helps to lay the groundwork for our sure economic footing so that the 21st century is an American century.

Mr. HALL of Texas. Mr. Speaker, I recognize the gentleman from Texas (Mr. HENSARLING) for 2 minutes.

Mr. HENSARLING. I thank the gentleman for yielding, and I thank him for his leadership. I know of no other Member who is kinder or wiser than the gentleman from Texas (Mr. HALL), and I appreciate that.

I also appreciate the earlier comments of the gentleman from Georgia who sits beside me. I want to assure, Mr. Speaker, all the people of Georgia that he is one of the great leaders of fiscal conservativism in this body, and his fellow fiscal conservatives understand if he is wrong once a year.

I somewhat reluctantly rise in opposition to this conference report. The goals contained within this conference report are very lofty goals. I know that many good things could be done with this money and that there are many good programs contained within it. But I have to ask a most inconvenient question, which I frequently find myself asking on this House floor: How are you going to pay for it?

Mr. Speaker, we continue to run deficit, which means now, by definition, when you are running a deficit, the first money is coming from raiding the Social Security Trust Fund. Is this program worth that?

I have Members coming to the floor to decry, well, we are borrowing money from China. Well, if you are floating T-bills and they are buying that debt, yes, then you are borrowing money from China. Is this worth borrowing money from China?

We know within the budget resolution passed by the Democrat majority, it contains the single largest tax increase in American history, which, over the course of 5 years, can amount to a $3,000 per American family tax burden. Is that where we are going to take the money from?

Mr. Speaker, there are already 10,000 Federal programs spread across 600 agencies; and since I have been here for almost 5 years, we are adding them at an alarming rate, and I see very few go away. How are we going to pay for it?

We are on the road right now to leave the next generation with a lower standard of living if we don't correct our spending ways. Let's get rid of some of the old programs before we add some new programs, no matter how worthy they may be.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1 minute to my friend from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the conference report for the America COMPETES Act. I am pleased that the new Democratic majority in Congress is providing this new direction for our country.

As an active member of the New Democratic Coalition, I support this bill that will help ensure our Nation's global economic competitiveness through investment in math, science, engineering, and technological education and a renewed commitment to basic research.

As a former member of the House Committee on Science, I have worked for years working with the committee to get here. I want to thank them for this piece of legislation. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As a former State school chief now serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, Summer Institute training, graduate education assistance, and NSF scholarships. The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten to advanced researchers. I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of the conference report on H.R. 2272, the America COMPETES Act.

I am pleased that the new Democratic Majority in Congress is providing a new direction for our country. As an active Member of the New Democrats' Coalition, I support this bill that will help ensure our nation's global economic competitiveness through investment in math, science, engineering, and technology education and a renewed commitment to basic research.

As a former Member of the House Committee on Science, I have worked for many years to pass legislation to encourage innovators and develop the most valuable workforce in the world. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As the only former state schools chief serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and NSF scholarships. The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten students to advanced researchers.

Mr. Speaker, I congratulate the authors of this legislation for their success on this fine product, and I urge my colleagues to join me in voting to pass it.

Mr. HALL of Texas. I yield ZACH WAMP, the gentleman from Tennessee, 2 minutes.

Mr. WAMP. Mr. Speaker, I rise in support of the conference report, and I thank the leadership from Tennessee for the role they played in formulating this bill. The chairman of the Science Committee, Mr. GORDON, and Senator LAMAR ALEXANDER listened.

If being fiscally conservative means turning a deaf ear to the leaders of our extraordinary free enterprise system, like the Augustine participants who recommended these solutions, then we are being penny wise and pound foolish as fiscal conservatives. If we do not invest, you will not balance the budget again.

I was here in 1995 when the budget wasn't balanced, and then it became balanced. Not by cutting spending but by rightly slowing the growth of spending and restraining government spending. But we balanced the budget with a dynamic growth economy.

The chairman of the Science Committee pointed out that the Internet itself came out of a DARPA investment through programs like this, and it was telecommunications that gave the United States this dynamic global economy where revenues soared. If we want to lead the world in energy technologies, you had better invest now.

This is not a social program transferring wealth from one to the other. This is an investment in the next generation. This reaps the highest return of investments we make in the Federal Government, and this is an authorization. I am an appropriator. We might not be able to appropriate all this money, but the authorization allows us to try every year as the priorities come to the committee.

What is important? Is it important to invest in the next generation? You bet it is. Are we falling behind? You bet we are. Are we going to do something about it? We had better. And you can't vote ''no'' all the time. All year, I have come down here at the committee and on the floor and voted to restrain spending or even cut spending. Not now. Not on this. It is too important. This is a generational legacy.

I am proud of what we are doing in our national laboratories, and we need to stoke that fire and allow this country to be all that it can be.

Vote ''yes'' on this conference report in a bipartisan way and say to the next generation we are going to lead the world.

Mr. GORDON of Tennessee. I say to my friend from Tennessee, ''Well said.''

And now I am pleased to yield 30 seconds to the great Speaker of the House of Representatives (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

What an exciting day for the Congress. Some of you are too young to know this, but you have read about it in the history books. Mr. HALL and I remember when President Kennedy came forward and said that he was going to inaugurate a program that would send a man to the moon and back, safely, within 10 years.

Now, for those of you who weren't born yet, you have read about it in history, you have to know that sending a man to the moon as an idea was such an impossibility. It would be almost like a magician cutting somebody in half and then putting them together again.

□ 1730

How could this possibly happen, that somebody would go into the sky, to the moon and come back?

At the time that he did that, it was a remarkable lift to the American people because it had followed upon Sputnik, as many of you know or have read in the history books and some of us remember. When he did that, President

Kennedy made the following statement. He said, ''The vows of this Nation can only be fulfilled if we are first, and therefore, we intend to be first. Our leadership in science and in industry, our hopes for peace and security, our obligations to ourselves as well as others all require us to make this effort,'' hearkening back to our Founders, those magnificent, courageous, optimistic, confident people, and President Kennedy referenced our vows to their great work.

This is our innovation agenda which is reflected in the legislation before us today. In answering President Kennedy's call, at that time, to put a man on the Moon, America unleashed unprecedented technological advances that built the world's most vibrant economy. The talent, intellect and entrepreneurial spirit of the American people that made this country the leader is being seriously challenged today by other countries. Americans must continue to innovate in order to create new, thriving industries that will produce millions of good jobs here at home and a better future for the next generation.

The distinguished chairman of the Science and Technology Committee and the distinguished ranking member, in bringing this bill to the floor today, are giving us our opportunity at our time to meet the challenge for the future. Today Congress has the opportunity to make a decision for the future.

Nearly 2 years ago, House Democrats created our innovation agenda in a very bipartisan way, which guarantees our national security and our economic prosperity, expands markets for American products, and asserts our leadership throughout the world in the decades to come. Already this year the New Direction Congress has led the way in promoting innovation and investments in education, science, research and development.

Today, with the COMPETES Act, we have bipartisan, bicameral legislation that implements much of the innovation agenda. Again, I want to recognize the extraordinary leadership of Chairman BART GORDON and the Science and Technology Committee and the ranking member for their leadership on this conference report. Chairman GORDON has energized this committee, ensuring that our Nation will continue to be the world leader in education, innovation and economic growth.

The COMPETES Act focuses on four key areas, as has been referenced: education, research and development, energy independence, and small business.

In education, the COMPETES Act recognized that America's greatest resources for innovation are in the classrooms across this country. This legislation invests in creating the most highly qualified teachers and training the next generations of scientists, mathematicians and engineers through public-private partnerships. This bill also takes steps to ensure that future innovators reflect the diversity of our country.

What I love about this bill and this legislation is that it's market-oriented, public-private entrepreneurial partnerships to keep us number one.

We know that innovation begins in the classroom and that scientific research provides the foundation for innovation and future technologies. The COMPETES Act makes a sustained commitment to research and development by putting us on a path to doubling funding for the National Science Foundation and the National Institutes of Standards and Technology and the Department of Energy's Office of Science.

I heard Congressman WAMP with great enthusiasm talk about the ARPA—Energy. I'm excited about it as well. To help achieve energy independence, the COMPETES Act focuses on energy research and innovation by creating a new Advanced Research Projects Agency for Energy, ARPA-E.

Mr. Chairman, I know your enthusiasm for that issue for a long time, and congratulations on bringing it to fulfillment here. This initiative will provide talent and resources for high-risk, high-reward energy research and technology development and attract investment for the next generation of revolutionary technologies.

And finally, the COMPETES Act recognizes that small businesses are often the catalyst for technological innovation and the backbone of the strong economy. It puts us on a path to doubling the funding for the Manufacturing Extension Partnership and creates a new initiative, the Technology Innovation Program, to support high-risk, high-reward, pre-competitive technology for small and medium-sized companies.

Because this bill is a decision in favor of future jobs and future economic strength, it's earned the endorsement of the Chamber of Commerce, many university presidents, ITI, TechNet, and the National Association of Manufacturers, among others.

I urge all of my colleagues on both sides of the aisle to support it. And before I close, I want to acknowledge the great leadership of Congresswoman ANNA ESHOO, Congresswoman ZOE LOFGREN and Congressman GEORGE MILLER, who is the Chair of our Policy Committee, for the work they did bringing people together, Democrats and Republicans, entrepreneurs, high tech, biotech, academics, people in the work force, students, venture capitalists, entrepreneurs, all to come to bear, all over the country. Meetings were held all over the country to put together the innovation agenda which is reflected in this legislation. Mr. BAIRD had an event in Washington State. As I look around, I could name so many Members who had events in their States. In doing so today, in passing this bill, we will assert our global economic leadership, create new business ventures and jobs, and give future generations the opportunity to achieve the American Dream.

I began my remarks, Mr. Speaker, by quoting President Kennedy, who was an inspiration to so many of us of a certain generation who are active in public service today.

He hearkened back to our Founders and our vows to our Nation, and I want to hearken back to that place too, because our Founders were among the earliest American entrepreneurs. They were magnificent disrupters. They thought new and fresh and different ways. They came together. Imagine the confidence. They came together, declared their independence from the greatest naval power in existence at the time, did so in a declaration that asserted the equality of all people, and then went forward to win the Revolutionary War, write a Constitution that made us the freest people in the world. Thank heavens they made it amendable so that we could even become freer. And when they did so, they designed the Great Seal of the United States. And on it, it's in your pocket. You're carrying it around if you don't know it. It's on the dollar bill. And on that great seal it says, ''Novus Ordo Seclorum.''

These people, with all that revolutionary spirit, with all that disruption of the status quo, had so much confidence in what they were doing, so much faith in themselves, faith in this country to be and faith in God that they said that what they were establishing was for the centuries, for the ages, ''seclorum.'' Those of you who know Latin know that that means ''forever.'' And it was that optimism, that confidence that built America. And it is in that spirit of disruption, of change, of doing something different, of having a big goal of aspiring to greatness, that we, as President Kennedy said, do honor the vows of our Nation. And this legislation is very much in their pioneer and entrepreneurial spirit.

I thank you again, Chairman GORDON, for your tremendous leadership.

Mr. HALL of Texas. Mr. Speaker, before I close, I want to thank the Speaker. I thank BART GORDON, the very capable Dr. BAIRD, who has given good advice and good leadership.

I want to especially, though, point out the work of a highly talented and dedicated staffer who will be leaving the committee next week to join the ranks in the Senate. Amy Carroll, we thank you for your hard work and dedication as a public servant for our Nation.

Also want to thank Dr. Lesslee Gilbert; our counsel, Margaret Caravelli; Attorney Katy Crooks; Mele Williams for her good work; Ed Feddeman; Elizabeth Stack, our energy advisor. And as has been pointed out by Dr. GINGREY and by Dr. EHLERS, this is an authorization, and this culminates a work of a program that started 3 years ago, and it's a good program.

I thank Representative HENSARLING for his warning and his admonition, his pointing out the cost, and of course, the minority leader's position, I respect that.

But I would say this, that we fought the soaring cost at every hedgerow. We fought the new agency created within DOD against their wishes as best we could. We took a position, as we all met together for the conference committee. And at the end of the day, I have to say that this is a good program for a deserving generation.

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

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1 minute to a new but valued member of our committee, Mr. MCNERNEY from California.

Mr. MCNERNEY. Mr. Speaker, I want to thank the distinguished chairman for his diligent work in passing the conference report on the America COMPETES Act. This is an important day for the Congress, it's important for the educators, and it's important for the students across this great land.

When the National Academies report, ''Rising Above the Gathering Storm,'' was presented to Congress, it painted a sobering picture of how dependent America's economy is on an educated public and how easily we could fall behind the rest of the world. Thankfully, the report also provides specific recommendations on how to increase educational achievement, which is the backbone of our economy.

As a mathematician and an engineer, I understand clearly the advantage of having a STEM education. This COMPETES Act will spur the creation of high-quality jobs and ensure that American companies won't have to look overseas for talented employees.

Again, I thank the chairman. I thank the ranking member.

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

Mr. GORDON of Tennessee. Mr. Speaker, I yield 3 minutes to one of our very able subcommittee chairmen, Mr. BAIRD.

Mr. BAIRD. Mr. Speaker, as Chair of the Subcommittee on Research and Education, as a scientist, as an educator, and perhaps most importantly of all, as a parent, I commend this legislation. I'm very proud to support it fervently.

I want to focus in particular on some of the sections of the bill that we authored along with my dear friend, Dr. EHLERS, on the Science Committee. I especially want to commend Ranking Member HALL and Mr. GORDON for his great leadership.

Title VII of this bill reauthorizes the National Science Foundation and is based on legislation authored by Mr. EHLERS and myself. This title includes some very exciting provisions. It helps ensure the strength and vitality of basic research at U.S. colleges. It strengthens and expands K–12 science, technology and math education. It provides additional support for new investigators to help keep the best and brightest in the STEM pipeline. It strengthens STEM programs for 2-year institutions. It focuses attention on interdisciplinary research, and to stretch our Federal dollars, it encourages university and industry partnerships to make every dollar go further. It expands the range of state-of-the-art research tools supported by the foundations. It requires NSF grantees to train their students in responsible and ethical conduct. It specifically recognizes the importance of social science to our Nation's security and competitiveness. And it acknowledges the increasing importance of service science to our Nation's competitiveness.

Finally, it includes needed improvements to planning and coordination for the major Federal interagency research program in information technology.

□ 1745

I am grateful to all the committee members and to our staff: Chuck Atkins, Jim Wilson; Dahlia Sokolov; Alisa Ferguson; Lewis Finkel; Hilary Cain on my own staff; and soon to depart but with much gratitude, Marc Korman on my staff.

Mr. Speaker, our Nation was founded by scientists. We don't talk about that often enough. But Franklin, Jefferson, and Washington were passionate about science. They would be proud of what we are doing today.

In the Dome of this magnificent Capitol, if you look up and see the great picture of the Apotheosis of Washington, he is surrounded by images in many cases representing the science and engineering achievements of this great Nation.

For the sake of our future, for the sake of our children, for the sake of our economy and our security, pass this good bill.

I commend all those who participated in making it a success.

Mr. HALL of Texas. Mr. Speaker, I thank Chairman GORDON, Chairman BAIRD, and all of my staff.

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

Mr. GORDON of Tennessee. Mr. Speaker, Mr. HALL earlier in the presentation said that he was going to have a motion to recommit on coal to liquid. Let me just remind all of my colleagues there is not one word, not one single word, in this bill that would stop any investment, any research in coal to liquid.

Finally, Mr. Speaker, I want to say thank you to the Democratic and Republican Members that attended all those meetings where we could develop this good bill. I want to say thank you to subcommittee Chairmen BAIRD, LAMPSON, UDALL, and WU; Ranking Members EHLERS, INGLIS, FEENEY, and GINGREY for their effort in putting this bill together.

Let me also say we have 70 Democratic and Republican staff members that have worked on this bill, and that is basically what we have been doing for the last few months. I would like to thank every one of them personally, but there is not going to be the time. So let me just say thanks to Chuck Atkins, our chief of Staff; Leslie Gilbert; and Mr. HALL's chief of staff for all the work they have put together. I hope that the staff's thank you is seeing this bill enacted, seeing the good work that is going to come from this, knowing that their kids and grandkids are going to live in a better America. I don't know a better thank you.

Mr. MANZULLO. Mr. Speaker I reluctantly rise today in opposition to the America COMPETES Act of 2007, H.R. 2272. I am a firm supporter of education and innovation in the fields of science, technology, engineering and math. Unfortunately, I cannot endorse a bill that creates 40 new programs and spends tens of billions of dollars.

I devote a great amount of my time working on manufacturing issues. The congressional district I represent has over 2,500 industries. Manufacturing has several components, one of which is getting workers with adequate skills to be machinists, plus having an adequate supply of engineers and others involved in that aspect of manufacturing. At present I am involved in trying to solve workforce problems, which in turn, in many cases, depend upon people who have a good understanding of science, tech, engineering and math. I am a member of the Council on Competitiveness, a co-chair of the Manufacturing Caucus, and Chairman of the Republican Policy Committee Task Force on Manufacturing. As previous Chairman of the House Committee on Small Business, I held countless hearings on competitiveness. I travel this country and overseas studying machine tools, manufacturing efficiencies, global supply chains, manufacturing financing, IP protection, export controls, etc. I've also lectured extensively on America's need to be globally competitive.

In a good faith effort by both parties to make America more competitive, I believe we may be sliding a slope very few realize even exists. For example, this bill forgives student loans for individuals who teach math and science. While this is a noble idea, this sets the precedent for other vocations to receive loan forgiveness. When will we draw the line? Will we forgive loans for firefighters, policemen, federal government employees, doctors, and lawyers? Who decides which profession deserves preferential treatment? Extending the years of loan payment or perhaps reducing interest rates on critical professions in underserved areas may be a consideration, but loan forgiveness can put us on the road to ''free'' federal education for everybody. The price tag is unimaginable.

Furthermore, today's bill is a composite of five different bills which have already passed the House. Attaching these bills together is not prudent legislation because it forces a Member of Congress to vote for or against the entire package even though he may have been in favor of a more modest approach. For example, I voted in favor of the authorizations for the National Science Foundation (H.R. 1867) and the National Institute for Standards and Technology (H.R. 1868)—two agencies whose missions are vital to America's competitiveness. In addition, a third bill, H.R. 1068, updating research goals of the National High-Performance Computing Program, is also worthy

and actually passed on a voice vote. However, these three bills were combined with: H.R. 362, 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act and H.R. 363, Sowing the Seeds through Science and Engineering Research Act. These two latter bills forced me to reluctantly vote against the whole package—especially since this combined bill contains $20.3 billion more than the five original bills and creates forty new science, tech, engineering and math (STEM) programs. I find this to be particularly wasteful when considering the fact that scores of current programs have not been found to be effective as evidenced in three separate studies by the Government Accountability Office (GAO), the US Department of Education (DOE), and the Office of Management and Budget (OMB).

The GAO in October, 2005, issued a report stating that in fiscal year 2004 there were over 207 different science, technology, engineering, and mathematics (STEM) programs spending approximately $2.8 billion annually spread throughout 13 agencies. Only half of the programs have been internally evaluated, with the reporting agencies stating the programs were effective and met established goals of attracting more students to study STEM courses, but, GAO added, ''some programs that have not been evaluated have operated for many years.'' These agencies made suggestions to GAO, but GAO concluded that before adopting any suggestions ''it is important to know the extent to which existing STEM education programs are appropriately targeted'' so as to make the best use of available federal resources. The purpose of GAO is to determine whether taxpayers' money is being spent wisely. GAO's language indicates there is no basis to make that conclusion because too many programs simply have never been evaluated for efficiency.

The second study—a Report of the Academic Competitiveness Council conducted by the U.S. Department of Education in May of 2007—showed 115 evaluations were submitted for 105 STEM programs and only ten evaluations were found to be ''scientifically rigorous.'' The report went on to say that, ''[b]ased on the 115 evaluations, the ACC's review that despite decades of significant federal investment in science and math education, there is a general dearth of evidence of effective practices and activities in STEM education (emphasis original).''

The third study was conducted by the OMB through a Program Assessment Rating Tool (PART) Analysis of 88 programs within the Department of Education and only four were proven to be effective. Among those programs whose results were not demonstrated was the Department of Education Mathematics and Science Partnership program. This program provides grants to state and local education agencies to improve student's academic achievement in math and sciences. The program was not found to be well managed, and it did not establish performance measures.

On the basis of the information provided by GAO, DOE, and OMB, I am surprised that we are considering the creation of 40 additional STEM programs. We should be evaluating and consolidating all existing STEM programs, and save money at the same time. Instead, the House of Representatives is adding more programs and spending tens of billions more.

While I continue to remain a firm supporter of U.S. industry and competitiveness, I believe that there are better ways to accomplish this than spending billions of dollars on new and unproven programs while hundreds of programs continue with little or no accountability. That is why I encourage my colleagues to vote for the Motion to Recommit, which still spends too much money, but as opposed to the combined bill reduces the overall spending of the combined bill by $20.3 billion.

Mr. WELDON of Florida. Mr. Speaker, I rise to express my concerns about the final conference report on H.R. 2272.

There are many good provision in the bill, and as a medical doctor, I share the goal of increasing participation in math and science education and in fostering research in these critical areas. In particular, I applaud funding for the National Science Foundation.

However, I am concerned about the level of increase that is in this bill for the National Science Foundation—amounting to a 12 percent increase in each of the next four years. The NSF bill that the House approved earlier this year, and which I voted for, provided about an 8 percent annual increase for NSF. I was concerned over the fact that because NSF and the National Aeronautics and Space Administration (NASA) compete for the same pot of money, increasing NSF by more than this amount might cause problems for our national space program. Now that the bill has come back from the Senate and the House-Senate Conference Committee with a 13 percent annual increase for NSF each year through 2011, I am very concerned about the threat this poses to our human space flight program.

While this bill says that it is the sense of the Congress that NASA should be funded at the 2005 authorization level in FY08, the Democrat Majority could not even accomplish this goal for FY07 when the new Democrat leadership cut over a half a billion dollars for the space exploration account and funded NASA at only $16.2 billion—$1.7 billion below the authorized level. In addition, the House-passed Commerce State Justice Appropriations Bill for FY 2008 actually funded NASA at $17.6 billion—$1.2 billion below the authorized level. So, while H.R. 2272 includes nice rhetoric about fully funding NASA, the authors of H.R. 2272 know that such rhetoric is empty.

Additionally, I am concerned that the bill creates 40 new federal programs, 20 more than were in the House-passed version. Many of these new programs are duplicative of over 200 existing federal science, technology, engineering and math (STEM) programs and will siphon money away from research in order to fund bloated bureaucracies.

My belief is that there is no program that inspires interest and study in math and the sciences like our nation's space program. So recognition of this fact should follow with adequate and fair funding levels. This bill jeopardizes that and, unfortunately, I cannot support it.

Mrs. DRAKE. Mr. Speaker, I rise today in strong support of the conference report on the ''Water Resources Development Act of 2007,'' and in particular Section 1001, which authorizes approximately $712 million for the Craney Island Eastward Expansion in Norfolk Harbor at a Federal cost share of 50 percent, or approximately $356 million. The Virginia Port Authority's Eastward Expansion is a project of national significance and is vital to the efficient movement of goods for our country.

At the outset, I would like to acknowledge the contributions of those individuals whose strong commitment and tireless efforts made Section 1001 possible. First and foremost, I would like to recognize my distinguished leader of the Committee on Transportation and Infrastructure, Ranking Member JOHN MICA for once again delivering on his promise to support the needs of his Committee members on issues of importance to them and their districts; also, Congressman RICHARD BAKER, Ranking Republican on the Subcommittee on Water Resources and Environment, for his leadership and legislative expertise without which WRDA would have once again gone unauthorized; and Senator JOHN WARNER, Craney Island's champion and the Commonwealth of Virginia's leader in the Senate; for his steadfast dedication to seeing this vision to fruition.

Also, Mr. Speaker, I would like to pay special tribute to two other individuals, not Members of Congress, but without whom we would not be here today. As Governor of Virginia and then Senator, George Allen always supported the expansion of Craney Island, recognizing its impact not only on the Commonwealth but the Nation. Robert ''Bobby'' Bray, who retired this year after 29 years as Executive Director of the Virginia Port Authority, always saw the Craney Island Eastward Expansion not only as a major port development project but also as an opportunity to enhance the quality of life for all Americans. To these and countless others, on behalf of the 2nd District of Virginia, the Commonwealth of Virginia, and our Nation, I extend my sincere gratitude.

The Eastward Expansion of Craney Island is truly a matter of national significance. When complete, this landmark project will provide capacity for additional material dredged to maintain navigability of the region's shipping channels in addition to providing land on which to build a much-needed fourth marine terminal in Hampton Roads.

In 1997, the U.S. House of Representatives passed a resolution that directed the U.S. Army Corps of Engineers to conduct a study of Craney Island. The study has been completed and the Eastward Expansion of Craney Island was recommended as the best alternative. Initially, the project costs considered for Federal participation comprised only the design and construction of the dredged material placement site, known as the Eastward Expansion. At that time, the Federal cost share for the project was identified as approximately 4 percent, and the Virginia Port Authority share as approximately 96 percent. It is important to note that the cost of the marine terminal construction (approximately $1.6 billion) will be solely the responsibility of the Virginia Port Authority.

Because the Corps had been constrained by policies that did not take into account the unique dual nature of the Craney Island Project, the initial plan formulation and cost share were determined based only on the Federal interest in the least cost for dredge material placement only part of the authorization to conduct the study. This method of determining the cost share did not take into account the substantial National transportation savings benefits associated with the port construction on the Eastward Expansion of Craney Island, which is the second part of the study authorization.

This Craney Island Marine Terminal will provide national economic development benefits of nearly $6 billion in transportation savings. The Port of Virginia is a major international gateway to the Midwest. In fact, more than 55 percent of the cargo handled by the Port originates in or is destined for locations outside the Commonwealth. More than 3,000 companies outside Virginia use the Port because of the cost-effective and reliable movement of freight to and from the Port of Virginia.

Container traffic in Hampton Roads is projected to triple by 2030 and will exceed the Port's capacity by 2011. Without the additional capacity created by a new marine terminal at Craney Island, cargo that would otherwise use the Port of Virginia will be rerouted to other ports, resulting in freight moving over longer distances at a higher cost. This increase will generate a total of $6 billion in additional transportation costs when applied to the amount of cargo that would be rerouted to other ports over a 50-year period.

However, with a new marine terminal at Craney Island, this additional $6 billion cost is avoided and becomes an origin-to-destination cost savings to the Nation in terms of maintaining the efficient, low-cost transportation afforded through the Port of Virginia.

The Eastward Expansion of Craney Island also meets National Defense needs. The ability of the United States to respond to military contingencies requires the availability of adequate U.S. commercial port facilities. The Port of Virginia is one of 14 port facilities designated by the Department of Defense as a strategic port through which military deployments are conducted. The Port of Virginia is expected to be able to make its facilities available to the military within 48 hours of written notification. When complete, the Craney Island project will provide additional capacity to meet military logistical needs and ensure the safe, secure, and smooth flow of military cargo through the Port of Virginia while minimizing commercial cargo disruptions.

Mr. Speaker, the Virginia Port Authority has been working for many years in partnership with the U.S. Army Corps of Engineers to develop a plan for the Eastward Expansion of Craney Island. By authorizing the Federal cost share at 50 percent, the WRDA Conference Report acknowledges the importance of expanding Craney Island to both Hampton Roads and to the entire Nation. I am grateful the Congress has supported this endeavor. And, I look forward to seeing the same support from the President.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the conference report on H.R. 2272, the Americn Competes Act. I urge my colleagues to join me in voting for it.

I am pleased that the new Democratic Majority in Congress is providing a new direction for our country through common sense legislation. As an active Member of the New Democrats' Coalition, I support this bill that will help ensure our nation's global economic competitiveness through investment in math, science, engineering, and technology education and a renewed commitment to basic research.

The conference report on H.R. 2272 is a bipartisan measure to implement an Innovation Agenda boldly responds to the global economic challenges identified in the 2005 National Academy of Science report, ''Rising Above the Gathering Storm.'' As a former member of the House Committee on Science, I have worked for many years to pass legislation to encourage innovators and develop the most valuable workforce in the world. I want to congratulate Chairman BART GORDON and Ranking Member RALPH HALL and the staff of the Science Committee for their hard work in producing this outstanding product.

As the only former state schools chief serving in Congress, I am pleased that this bill will invest in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and National Science Foundation scholarships. It ensures more highly qualified teachers in the classroom, in the fields of mathematics, science, engineering, technology and critical foreign languages.

H.R. 2272 establishes a public-private partnership with the business community and institutions of higher education to develop efforts to educate and train mathematicians, scientists and engineers to meet the workforce demands of the business community. The bill expands access to Advanced Placement and International Baccalaureate classes and increases the number of qualified AP/IB teachers. The conference report enhances the ability of states to build more competitive workforces to meet the challenges of recruiting and retaining students in innovative fields.

The bill also broadens the participation of minorities and women in science and engineering fields at all levels from kindergarten students to advanced researchers. The bill focuses on small business innovation by doubling funding for the Manufacturing Extension Partnership and creates a new Technology Innovation Program for small and medium-sized companies. Finally, this legislation creates a ground-breaking initiative, the Advanced Research Projects for Energy (ARPA–E), modeled after DARPA that has brought us such innovations as the Internet, to provide talent and resources for high-risk, high-reward energy and research and technology development, and to help attract investment for the next generation of revolutionary technologies.

Mr. Speaker, I congratulate the authors of this legislation for their success on this fine product, and I urge my colleagues to join me in voting to pass it.

Mr. VAN HOLLEN. Mr. Speaker, in 2005, the National Academies released a report, Rising Above the Gathering Storm. Its authors, a team of scientists, academic leaders, and business executives, gave Congress a strong warning—unless we take comprehensive action, America will lose its competitive edge in the world economy.

Today, I am proud to join my colleagues in a bipartisan effort to respond to that call to action with the 21st Century Competitiveness Act. This bill addresses this century's challenges with new investments in education, research, and small businesses. It is a comprehensive way to ensure that America remains at the forefront of discovery and innovation.

We recognize the need to foster student potential and encourage them to enter the fields of science, math, technology and engineering. This bill invests in 25,000 new teachers, helping them pay for school and training them to enter our nation's classrooms and engage students in math and science. It increases the number of teachers who can teach Advanced Placement and International Baccalaureate classes and push our students to work with more challenging curricula. It puts new science and math teachers in high-needs schools so we can reach more students. And it establishes public-private partnerships so business and community leaders can identify high-needs fields and help students pursue innovative careers.

We recognize the need to push the boundaries of current research, explore new ideas, and foster innovation. This bill puts us on a path to double funding for our research institutions—the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science. Our scientists at these institutions are engaged in remarkable, ground-breaking work, and we must redouble our support to ensure that America continues to be a leader in scientific advances. This bill will also provide grants to young researchers at the early stages of their careers to allow them to pursue their ideas and encourage them to continue their study in U.S. institutions. And, recognizing the importance of research into new energy technology as we work to combat global warming and reduce our dependence on foreign oil, this bill creates a new Advanced Research Projects Agency for Energy.

Finally, we recognize the importance of small businesses and entrepreneurial success in the development of our economy. This bill will double funding for the Manufacturing Extension Partnership over 10 years and will create a Technology Innovation Program to support revolutionary technology development at small and medium sized companies.

Mr. Speaker, we must take proactive steps to secure America's place in an era of global economic and scientific competition. This bill, by increasing the number of students entering STEM fields and stimulating exciting research at our national scientific institutions and in our business community, will do just that. I urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise today in support of the 21st Century Competitiveness Act of 2007. Taking most of its content from the National Academies Report ''Rising Above the Gathering Storm,'' H.R. 2272 is the compilation of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our nation is dependent for its future prosperity, and to serve on the conference committee of H.R. 2272.

As a scientist and educator, I have had the opportunity to work at several stages of our nation's science research pipeline. This bill contains sound strategies for addressing our lagging competitiveness at every stage of this pipeline, from K–12 education to research and development. Such a comprehensive approach is badly needed. H.R. 2272 creates programs for training teachers and for encouraging students to enter into fields where there is national need. It sets us on a necessary path to doubling our investment in the National Science Foundation, the Department of Energy Office of Science, and the National Institute of Standards and Technology. To ensure we are harnessing all available talent, this bill encourages underrepresented students to enter science and technology. It ensures that we do not lose talent at the early career bottleneck that follows completion of a terminal research-based degree.

I am also pleased that the two initiatives that I have championed in the House of Representatives have made it into the conference

report. The first is the Foreign Language Partnership, which is a competitive grant program to enable institutions of higher education and local educational agencies working in partnership to establish articulated programs of study in critical foreign languages so that students from the elementary through postsecondary level can advance their knowledge successfully and achieve higher levels of proficiency in a critical foreign language.

The second is State P–16 Councils—that is, primary school through college. The bill authorizes the Secretary of Education to award competitive grants to states to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce.

This bill will make us not only successful, but also a nation more worthy of success. It gives students with financial need better access to science and technology careers, empowering them to improve their lives and contribute to society. It makes necessary investments in energy research that will give our children a world we are proud for them to inherit.

I encourage my colleagues to support this resolution. Without its reforms, we will continue to lose our global lead in science, technology, and quality of life.

Mr. HINOJOSA. I rise in strong support of the Conference Report on H.R. 2272, the America COMPETES Act.

There has been a steady drumbeat across the country to call the nation to action to renew its leadership in the Science, Technology, Engineering, and Mathematics (STEM) fields. The National Academies of Science Report, ''Rising above the Gathering Storm'' has become the rallying cry that Sputnik was a generation ago.

Today, with the passage of this conference report, the 110th Congress answers the call.

The America COMPETES Act ensures that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future. It takes a comprehensive approach with investments in education, research and development. It moves us towards energy independence and harnesses the potential of small businesses to drive innovation.

The American COMPETES Act recognizes that America needs to draw on all of its talent—especially a growing population of minority students who continue to be under-represented in the STEM fields.

According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050, Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Women constitute over half of the postsecondary students in the nation, but represent a little more than one-quarter of our science and engineering workforce.

The America COMPETES Act tackles these disparities head on. Throughout the legislation, there is an emphasis on increasing the numbers of minorities and women in the STEM fields and on expanding the minority-serving institutions' participation in education, research and development.

The America COMPETES Act makes strategic investments in improving the STEM pipeline through education.

This legislation invests in 25,000 new teachers through professional development, summer training institutes, graduate education assistance, and scholarships through NSF's Noyce Teacher Scholarship Program and Math and Science Partnerships Program. In exchange for their scholarship, these teachers go to our highest need schools.

The America COMPETES Act includes provisions modeled after the successful U-Teach program at the University of Texas where students earn degrees in the STEM fields and teaching certificates at the same time. These newly minted teachers are placed, mentored, and supported in the schools where they are needed the most.

This legislation expands access to Advanced Placement and International Baccalaureate programs. It also establishes P–16 councils to coordinate education and workforce goals with industry and community leaders, and to identify the challenges of recruiting and retaining students in innovative fields.

I am especially pleased that this legislation addresses a quiet crisis in our high need high schools—the lack of quality laboratory science opportunities.

The National Research Council's report on America's High School Labs found that experience in high school labs was poor for most students and practically non-existent for students in low-income or minority communities. We will never produce enough STEM professionals if we do not address this issue.

I am very pleased that the legislation before us today includes the provisions of my bill, H.R. 524 Partnerships for Access to Laboratory Science Act. This legislation will establish a pilot program that will partner high need school districts with colleges and universities, and the private sector to improve high school laboratories. Through these pilots, we will be able to develop models and test effective practices for improving laboratory science in high need schools. We will leverage resources from the local community and the private sector, and build on our base of knowledge of what works in teaching science.

The America COMPETES Act is about our vision for the future of this country. It is about our belief in this nation's unlimited potential and our willingness to invest in it.

I would like to commend Chairman GORDON, Chairman MILLER and all of the members of the conference committee for their excellent work.

I urge my colleague to unanimously pass this legislation.

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

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

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SHIMKUS. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Shimkus moves to recommit the conference report on the bill, H.R. 2272, with instructions to the managers on the part of the House to:

(1) insist on the lower overall authorization level as set forth by the House in H.R. 2272; and

(2) insist on the language of subsection (a) of section 203 of the House bill, relating to prioritization of early career grants to science and engineering researchers for the expansion of domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing.

Mr. SHIMKUS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were 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 adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 199, nays 227, not voting 6, as follows:

[Roll No. 801]

YEAS—199

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
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
Costello
Cubin
Culberson
Davis (KY)
Davis, David
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)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—227

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

NOT VOTING—6

Clarke
Crenshaw
Davis, Jo Ann
Dicks
Johnson, Sam
Schakowsky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining on this vote.

□ 1812

Mr. HALL of New York, Mrs. BOYDA of Kansas and Mr. LANGEVIN changed their vote from ''yea'' to ''nay.''

Mr. MCKEON and Mr. SPACE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

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

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 367, noes 57, not voting 9, as follows:

[Roll No. 802]

AYES—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
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)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
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)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
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
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—57

Bachmann
Bachus
Barrett (SC)
Blunt
Boehner
Brady (TX)
Broun (GA)
Buyer
Campbell (CA)
Cantor
Carter
Chabot
Conaway
Cubin
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Granger
Hensarling
Herger
Issa
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Linder
Mack
Manzullo
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Poe
Putnam
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Sullivan
Tancredo
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—9

Boyd (FL)	Davis, Jo Ann	Johnson, Sam
Clarke	Dicks	Reyes
Crenshaw	Doggett	Slaughter

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised 1 minute remains in the vote.

Mr. ROYCE changed his vote from ''aye'' to ''no.''

□ 1818

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER. Pursuant to House Resolution 581 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. 3161.

□ 1821

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. 3161), as amended, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CLEAVER) having assumed the chair, Mr. SNYDER, 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. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 3161

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3161 pursuant to House Resolution 581 and House Resolution 599, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 581 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. 3161.

□ 1823

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. 3161), as amended, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 31, 2007, the bill had been read through page 2, line 12, and pending was the amendment by the gentleman from North Carolina (Mr. MCHENRY) to amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentleman from Georgia (Mr. GINGREY).

Pursuant to House Resolution 599, the amendments printed in part A of House Report 110–290 are adopted and the bill is considered read for amendment under the 5-minute rule.

The text of the remainder of the bill is as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,847,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,056,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,622,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $2,252,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,723,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,076,000: *Provided,* That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $897,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,147,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $709,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $196,616,000, to remain available until expended, of which $156,590,000 shall be for payments to the General Services Administration for rent and the Department of Homeland Security for building security: *Provided,* That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,200,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,913,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs

and liaison within the executive branch, $3,936,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,720,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,998,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,964,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $626,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $79,282,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $166,099,000, of which up to $52,725,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,076,340,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $64,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $671,419,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $195,817,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $23,318,000; for payments to eligible institutions (7 U.S.C. 3222), $42,000,000, of which $944,737 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $94,242,000; for competitive grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,973,000; for competitive research grants (7 U.S.C. 450i(b)), $190,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,544,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,701,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), $1,000,000; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,956,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $15,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $1,000,000; and for necessary expenses of Research and Education Activities, $44,435,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided further*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $463,886,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $281,429,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,500,000; payments for the pest management program under section 3(d) of the Act, $9,860,000; payments for the farm safety program under section 3(d) of the Act, $5,000,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,485,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $494,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,052,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,200,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $37,000,000, of which $1,113,333

shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $1,980,000; and for necessary expenses of Extension Activities, $17,169,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $57,244,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,286,000, including $12,738,000 for the water quality program, $14,699,000 for the food safety program, $4,125,000 for the regional pest management centers program, $4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,375,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,855,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $737,000, to remain available until September 30, 2009, for the critical issues program; $1,321,000 for the regional rural development centers program; and $9,900,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2009.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,930,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $759,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $874,643,000, of which $4,113,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $36,269,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $57,044,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: *Provided,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2008, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $79,945,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,233,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,798,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $41,115,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $632,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $930,120,000, of which no less than $830,057,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided,* That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration

and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

FARM ASSISTANCE PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $666,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,127,409,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That none of the funds made available by this Act may be used to pay the salary or expenses of any officer or employee of the Department of Agriculture to close or relocate any county or field office of the Farm Service Agency (other than a county or field office that had zero employees as of February 7, 2007), or to develop, submit, consider, or approve any plan for any such closure or relocation before the expiration of the six month period following the date of the enactment of an omnibus authorization law to provide for the continuation of agricultural programs for fiscal years after 2007: *Provided further*, That after the expiration of the six month period following the date of the enactment of an omnibus authorization law to provide for the continuation of agricultural programs for fiscal years after 2007 none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,423,857,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $223,857,000 shall be for direct loans; operating loans, $1,879,595,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans, $250,000,000 shall be for subsidized guaranteed loans and $629,595,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $14,762,000, of which $4,800,000 shall be for unsubsidized guaranteed loans, and $9,962,000 shall be for direct loans; operating loans, $137,446,000, of which $24,200,000 shall be for unsubsidized guaranteed loans, $33,350,000 shall be for subsidized guaranteed loans, and $79,896,000 shall be for direct loans; and Indian tribe land acquisition loans, $125,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $318,150,000, of which $310,230,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $78,833,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $781,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $851,910,000, to remain available until June 30, 2009, of which not less than $10,840,000 is for snow survey and water forecasting, and not less than $10,779,000 is for operation and establishment of the plant materials centers, and of which not less than $27,225,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall

be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,556,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $37,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided,* That not to exceed $18,500,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,586,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $52,370,000, to remain available until expended: Provided, That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $666,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $728,807,000, to remain available until expended, of which $55,742,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $573,065,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $100,000,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided,* That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further,* That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That of the total amount appropriated, not to exceed $22,800,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,100,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $13,400,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further,* That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants Account''.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $175,382,000: *Provided,* That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further,* That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further,* That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,845,816,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,129,391,000 shall be for direct loans, and of which $3,716,425,000 shall be for unsubsidized guaranteed loans; $34,652,000 for section 504 housing repair loans; $99,000,000 for section 515 rental housing; $99,000,000 for section 538 guaranteed multi-family housing loans; $5,046,000 for section 524 site loans; $11,486,000 for credit sales of acquired property, of which up to $1,486,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $150,183,000, of which $105,824,000 shall be for direct loans, and of which $44,359,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,796,000; repair, rehabilitation, and new construction of section 515 rental housing, $42,184,000; section 538 multi-family housing guaranteed loans, $9,306,000; credit sales of acquired property, $552,000; and section 523 self-help housing and development loans, $142,000: *Provided,* That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further,* That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multifamily Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $462,521,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $533,020,000, to remain available through September 30, 2009; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided,* That of this amount, up to $7,920,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That agreements entered into or renewed during the current fiscal year shall be

funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2008 for a section 514/516 project may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another section 514/516 project.

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949 (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $27,800,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $10,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of the section 515 multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $14,800,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $40,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $39,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with ''Rural Housing Service, Multifamily Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $46,630,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,772,000.

For the cost of direct loans, $14,485,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2008, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2008, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2008, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,861,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $29,193,000, of which $495,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,475,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,473,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $20,295,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,088,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $46,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $4,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $120,000, and the cost of telecommunications loans, $3,620,000: *Provided,* That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,405,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $300,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $35,000,000, to remain available until expended.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $6,450,000, to remain available until September 30, 2009: *Provided,* That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further,* That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $17,820,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $628,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,903,213,000, to remain available through September 30, 2009, of which $7,668,156,000 is hereby appropriated and $6,235,057,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That up to $5,505,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,620,000,000, to remain available through September 30, 2009, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided,* That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further,* That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2008; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $30,000,000 for the purposes specified in section 17(h)(10)(B)(ii): *Provided further,* That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: *Provided further,* That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further,* That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further,* That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $39,816,223,000, of which $3,000,000,000 to remain available through September 30, 2009, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further,* That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further,* That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $221,070,000, to remain available through September 30, 2009: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That notwithstanding any other provision of law, effective with funds made available in fiscal year 2008 to support the Seniors Farmers' Market Nutrition Program (SFMNP), such funds shall remain available through September 30, 2009: *Provided further,* That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $146,926,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $159,136,000: *Provided,* That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, $2,749,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

In addition, the funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,219,400,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,338,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $353,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7

U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,683,405,000: *Provided*, That of the amount provided under this heading, $13,696,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from animal drug assessments received during fiscal year 2008, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2008 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $475,726,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $348,438,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $155,073,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $94,809,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $240,122,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $36,455,000 shall be for the National Center for Toxicological Research; (7) $97,976,000 shall be for Rent and Related activities, of which $38,808,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $131,533,000 shall be for payments to the General Services Administration for rent; and (9) $89,577,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

In addition, $28,000,000 shall be for the Center for Food Safety and Applied Nutrition, to remain available from July 1, 2008, through September 30, 2009.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $102,550,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $46,000,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 182 passenger motor vehicles, of which 142 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, avian influenza programs, up to $4,505,000 in the pest and disease management program to control grasshoppers and Mormon cricket, up to $1,500,000 in the scrapie program for indemnities, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, financial management modernization initiative, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further,* That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2009 appropriations Act.

SEC. 715. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and enhancement of program delivery: *Provided,* That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes in detail the justifications for such closures and relocations.

SEC. 716. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 717. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,017,000,000.

SEC. 718. None of the funds made available in fiscal year 2008 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $34,000,000 shall not be obligated and $34,000,000 are rescinded.

SEC. 721. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 722. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, 2007, and 2008 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, 2007, and 2008 respectively, and except for fiscal year 2008 funds, are not available for new obligations.

SEC. 723. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 724. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 725. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $10,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 726. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug (as defined in section 804(a)(3) of such Act) which complies with sections 501, 502, and 505 of such Act.

SEC. 727. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 728. Of the amount available for Estimated Future Needs under section 32 of the Act of August 24, 1935, $63,361,000 are hereby rescinded: *Provided,* That in addition, of the unobligated balances under section 32 of the Act of August 24, 1935, $147,000,000 are hereby rescinded.

SEC. 729. None of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

SEC. 730. Of the appropriations available for payments for the nutrition and family education program for low-income areas

under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 731. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 732. Of the unobligated balances available in the High Energy Cost Grants account, $25,740,000 is hereby rescinded.

SEC. 733. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 734. Not more than $11,166,000 of the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for program compliance and integrity purposes, including the data mining project, and for the Common Information Management System.

SEC. 735. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program under the authority and conditions (including the fees, borrower interest rate, and the President's economic assumptions for the 2008 Fiscal Year, as of June 1, 2007) provided by the ''Continuing Appropriations Resolution, 2007''.

SEC. 736. (a) Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), striking ''(B)'' and all that follows through ''shall not exceed'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B) and in addition to amounts made available under paragraph (3), payments to service institutions shall be'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

SEC. 737. There is hereby appropriated $21,000,000, to remain available until September 30, 2009, of which not to exceed 5 percent may be available for Federal and/or State administrative expenses, as determined by the Secretary of Agriculture, to carry out a program similar to section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) in each State not currently served by the authorized program.

SEC. 738. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 739. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $16,069,000 is hereby rescinded.

SEC. 740. In addition to amounts otherwise appropriated or made available by this Act, $2,475,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 741. From the unobligated balances of funds transferred to the Department of Homeland Security when the Department was established pursuant to the Homeland Security Act of 2002 (Public Law 107–296), excluding mandatory appropriations, $8,000,000 is rescinded.

SEC. 742. Effective as of May 25, 2007, section 9012 of Public Law 110–28 (121 Stat. 218) is repealed.

SEC. 743. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking ''seven'' and inserting ''eight'';

(2) by striking ''five'' and inserting ''six''; and

(3) by inserting ''West Virginia,'' after the first instance of ''States shall be''.

SEC. 744. Hereafter, notwithstanding any other provision of law, of the funds made available for the Commodity Assistance Program under division B of Public Law 109–148, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006, all unexpended funds shall be made available to support normal program operations of the Commodity Supplemental Food Program under the Agriculture and Consumer Protection Act of 1973 and of the Emergency Food Assistance Program under the Emergency Food Assistance Act of 1983: *Provided*, That any commodities purchased with funds made available under Public Law 109–148 and remaining undistributed shall be used to support normal program operations under the authorities cited in this section.

SEC. 745. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Alamo, Texas; the City of Mercedes, Texas; the City of Weslaco, Texas; the City of Donna, Texas; and the City of La Feria, Texas, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural business and cooperative development programs in the Rural Community Advancement Program account;

(2) the City of Bainbridge Island, Washington; and the City of Havelock, North Carolina, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural community programs in the Rural Community Advancement Program account;

(3) the City of Freeport, Illinois; Kitsap County (except the City of Bremerton), Washington; the City of Atascadero, California; and the City of Paso Robles, California, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Housing Insurance Fund Program account and the Rural Housing Assistance Grants account; and

(4) the City of Canton, Mississippi, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the rural utilities programs in the Rural Community Advancement Program account.

SEC. 746. No funds in this Act for the Food and Drug Administration may be used to authorize qualified health claims for conventional foods.

SEC. 747. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in 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).

SEC. ____. None of the funds in this Act shall be available for the Canaan Valley Institute (CVI) in Thomas, West Virginia.

SEC. ____. None of the funds made available in this Act may be used—

(1) to terminate any of the 13 field laboratories that are operated by the Food and Drug Administration as of January 1, 2007, or 20 District Offices, or any of the inspection or compliance functions of any of the 20 District Offices, of the Food and Drug Administration functioning as of January 1, 2007; or

(2) to consolidate any such laboratory with any other laboratory, or any such District Office, or any of the inspection or compliance functions of any District Office, with any other District Office.

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.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008''.

The Acting CHAIRMAN. No further debate on any pending amendment being in order, the question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment to the amendment was agreed to.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY), as amended.

The amendment, as amended, was agreed to.

The Acting CHAIRMAN. Pursuant to House Resolution 599, a further period of general debate is in order.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Georgia (Mr. KINGSTON) each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I rise to engage in a colloquy with my colleagues, Mr. FOSSELLA and Mr. CROWLEY of New York, and commend the committee for increasing the APHIS budget to more vigorously attack the national challenge of the invasive species that are ravaging our plants and trees.

As you know, New York City is waging a war to stop the Asian Longhorned Beetle. Yes, Madam Chair, a tree grows in Brooklyn, thousands of them in fact, just as they do in Staten Island, the Bronx, Queens and Manhattan. Sadly, the Asian Longhorned Beetle has been advancing steadily.

Given that the USDA's work to defeat the ALB elsewhere has been successful and thus will require less funding going forward, can I ask for the commitment of the committee to endeavor in conference to grant the metropolitan area a larger portion of the Asian Longhorned Beetle account than it has received in the past?

Ms. DELAURO. I pledge to work with the gentlemen from New York on this issue.

Mr. WEINER. Thank you.

I yield now, if it is appropriate, to the gentleman from Staten Island, Mr. FOSSELLA.

The Acting CHAIRMAN. The time of the gentleman has expired.

Ms. DELAURO. Mr. Chairman, I would just ask the gentlemen from New York to place their material into the RECORD.

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the time of the gentlewoman be extended by 1 minute.

The Acting CHAIRMAN. The Chair may not entertain that kind of request.

Mr. KINGSTON. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I am sure that Mr. NADLER is concerned equally with Mr. FOSSELLA, but I wanted to make sure that Mr. FOSSELLA wasn't being cut out of the colloquy. So the reason why I reserved the right to object is I just wanted a better explanation from the gentleman.

Mr. NADLER. Mr. Chairman, I was asking for unanimous consent so the gentlewoman would have 1 additional minute, which I would hope she would yield to Mr. CROWLEY, Mr. WEINER, Mr. FOSSELLA and myself.

The Acting CHAIRMAN. Under the structured rule in the Committee of the Whole, this kind of unanimous consent agreement cannot be entertained.

PARLIAMENTARY INQUIRIES

Mr. KINGSTON. Mr. Chairman, I have a parliamentary inquiry. Is the unanimous consent request in order under the closed rule?

The Acting CHAIRMAN. A request to extend general debate ordered by the House is not in order in the Committee of the Whole.

Mr. KINGSTON. Mr. Chairman, further parliamentary inquiry. In other words, out of the 15 minutes of general debate, that is where the time would come from?

The Acting CHAIRMAN. From the remaining 29 minutes of general debate ordered by the House.

Ms. DELAURO. I yield an additional 1 minute for both, not each, but for both Mr. CROWLEY and Mr. FOSSELLA to address this issue.

The Acting CHAIRMAN. Does the gentlewoman from Connecticut yield time to the gentleman from New York (Mr. CROWLEY)?

Ms. DELAURO. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

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Mr. KINGSTON. Further parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. KINGSTON. I don't have a way to say this directly to my friend from Connecticut, but I will be glad to yield 1 minute of our time to Mr. FOSSELLA and that way we can bring this to 2 minutes, but I don't know how to get there unless I ask a question like this.

The Acting CHAIRMAN. After Mr. CROWLEY is recognized for 1 minute, then the gentleman from Georgia may yield to the gentleman from New York (Mr. FOSSELLA).

Ms. DELAURO. Mr. Chairman, I yield 1 minute to Mr. CROWLEY and Mr. NADLER, 1 minute between the two.

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The Asian Longhorned Beetle is a continuing and growing problem in Queens County in New York. We appreciate your working for additional resources. I have heard from my constituents, like Jimmy Lanza of Woodside Queens, who are begging us for more resources to beat the beetle and protect the trees and green space of Queens County and New York City. I thank the Chair for her great work on this issue, and this overall excellent bill.

The Acting CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for the remainder of the time.

Mr. NADLER. I just want to say that I associate myself with the sentiments expressed by Mr. WEINER and Mr. CROWLEY. The Asian Longhorned Beetle is a serious problem, and we have to devote as much resources as possible to deal with it. I hope the committee will take that into consideration.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I would like to thank Mr. KINGSTON and Ms. DELAURO. And of course my colleagues, Mr. CROWLEY, Mr. WEINER, and Mr. NADLER, because despite this being a national problem, as you can imagine, are very specific to New York, and in my case, Staten Island has been under attack by the Asian Longhorned Beetle. The beetles have already killed 8,400 trees. Officials are expected to destroy 10,000 trees to keep the beetle from spreading throughout the U.S.

We know that 35 percent of all urban trees are at risk. Replacement value is $669 billion. The first evidence was found on a silver maple tree on March 22 by USDA tree climbers. This early detection gives hope the threat can be contained before it spreads to the nearby Greenbelt, which is an urban forest comparable to Rock Creek.

The bill before us today provides a little over $20 million to help eradicate the beetle, a far cry from the $48 million the USDA says is needed annually.

This a serious problem for Staten Island and the rest of New York City. I look forward to working with you, Madam Chair, and Mr. KINGSTON in an effort to provide additional funding in conference. Will you be willing to work with me on this issue?

Ms. DELAURO. I would be happy to work with the gentleman.

Mr. FOSSELLA. I thank the gentlewoman.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I want to take this opportunity to express my appreciation to you, Chairman DELAURO, Ranking Member KINGSTON, and both of your respective staffs for all of the hard work that has been put in this bill, a bill I expect to support.

I would like to address an issue of great importance not only to my constituents, but to the Nation's agricultural industry.

In 2006, the potato cyst nematode was discovered in our country for the first time on approximately 1,000 acres in eastern Idaho. PCN is one of the most destructive potato pests, and if left uncontrolled, can result in devastating crop losses of up to 80 percent.

This spring, the USDA, the Idaho Department of Agriculture began an aggressive eradication program. Due to the confined area and early detection of the infestation, we are optimistic that the eradication program will prove successful. However, the funding level designated for the potato cyst nematode in this bill falls short of the necessary funding levels to continue this eradication effort.

The Senate Appropriations Committee on Agriculture recently recommended that this program be fully funded at $12.8 million. While I appreciate the constraints the House Agriculture Subcommittee has worked under, I hope that the chairwoman would work with me to try to find the necessary funds to fully fund this program.

Ms. DELAURO. I understand the importance of the issue and will work with you in conference to address the funding needs of this eradication effort.

Mr. SIMPSON. I thank Chairman DELAURO.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairwoman for yielding. I have an amendment that

I will not offer today per our earlier conversation.

My amendment would allow residents of neighborhoods to purchase properties that are vacant and, for the most part, are not suitable for renovation. These properties would be razed, the grounds cleared, covered with topsoil and planted with the seeds of produce to create urban gardens.

The produce would be harvested and distributed to the residents of the neighborhoods who would be able to purchase them at less than the market rates. I would love to have the gentlewoman's support in the future for this concept.

Ms. DELAURO. I appreciate the concept and recognize its importance and will work with the gentleman on this important issue.

Mr. CLAY. I thank the gentlewoman.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me this time. I regret that it is necessary for me to come down and talk during the time for general debate because this is an amendment that should have been made in order by the Rules Committee, and I frankly do not understand when it so significantly affects food safety and would have been a perfecting amendment on the underlying bill, I frankly do not understand the inattention of the Rules Committee to this important issue.

We hear time and again the United States being besieged with dangerous food from certain countries. According to testimony before the Energy and Commerce Subcommittee on Oversight and Investigations on July 17, 2007, former FDA Associate Commissioner William Hubbard testified that in 1999 the FDA drafted a legislative proposal that would have given the Food and Drug Administration authority to require certain foreign countries to take more responsibility for the foods that they send into this country.

The agency proposal would have allowed the FDA to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States. Countries that send safe food, they have no reason to be concerned. They would be unaffected. But countries that demonstrated a pattern of disregard of United States safety standards would have to increase their oversight of foods exported from their country. Have we heard of any examples of that in the past 6 months?

Unfortunately, Congress did not accept the recommendation, and the situation with some imported foods from some countries has only gotten worse. On page 96 of the committee report for H.R. 3161, it states that ''the Committee believes that the Food and Drug Administration is failing to do what is needed to ensure the safety of our food supply.'' Furthermore, ''the Committee directs the Food and Drug Administration to develop a performance plan that establishes measurable benchmarks for concrete improvements in the performance of food safety missions.''

In formulating the plan, the FDA is to look at the process for reviewing food safety systems in countries that export to the United States, and that these proposals are not dissimilar to measures the Food and Drug Administration has proposed in the past or may be considering currently.

On page 97, the committee report states that ''the Committee provides for an additional $7 million for increased activities to protect the safety of imported foods.''

My amendment would not have allocated any new funds to the FDA. But instead, it seeks to direct a portion of these funds already allocated towards increased activities to protect the safety of imported foods and on formulating an embargo plan. This plan would allow the FDA to prohibit a specified food from a specified country from entering into the United States if there were repeated instances that that food was found contaminated when it arrived in the United States.

Again I submit, we have heard several news report over the last 6 months where exactly this scenario has played out. We have to stop them from sending harmful food into our country. This would have been a good amendment, and I don't understand why it was not taken up by the Rules Committee.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I rise this evening to address two important issues that USDA provides in serving my farmers and ranchers in Kansas and across the country, the desire to see that those services are provided at the local level.

The first issue, although not very glamorous, is very important. It is the funding of nondiscretionary FSA technology expenses. This winter, many of my producers went to their local FSA office only to discover the computers were not working. In many instances they had to set aside all of the other computers so they could try to allow the farmers to access the computer system and sign up for the programs. The delays were for months.

In the President's budget, $23.8 million was requested for fixed IT operating expenses. Those operating expenses are required to operate and maintain FSA's existing computer system. In this bill the committee only appropriates $10 million. FSA does not have a choice in paying its fixed IT operating expenses. If sufficient funding is not appropriated, FSA will be forced to reduce its staff to keep its IT system operating, and I believe that would adversely affect the services provided by our local offices.

The second issue is our NRCS county offices. The bill we are considering today has two provisions halting county office closures for NRCS's sister agencies, FSA and Rural Development, RD. The primary reason for delaying county office closures is we are currently in the midst of writing a new farm bill. And while I am glad to see that this bill addresses the FSA and RD office closures, I would also like to see the same approach taken with NRCS.

I look forward to working with the chairwoman and the ranking member and I would ask for the chairwoman to enter into a colloquy with me to indicate her interest in this topic.

Ms. DELAURO. I am very interested in working with you, as we have talked about in the past, and will continue to do that as we move forward.

Mr. MORAN of Kansas. I thank the chairwoman and look forward to a successful conclusion.

Mr. KINGSTON. And I want to say, we will certainly work with the gentleman from Kansas. I know you are an advocate on this.

Ms. DELAURO. I yield 1 minute to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. First, I want to congratulate you for your work on this bill. Sincerely, you have balanced a number of issues. Particularly, I am concerned about the plight of my farmers in the Deep South and north Alabama as well. ROBERT ADERHOLT might be able to be on the floor here tonight. We share all of north Alabama.

Mr. Chairman, in the South we have experienced in many areas an unprecedented drought. On the drought monitor, our target area in the Deep South has been designated as a D4 drought area. That is not a situation we have seen in many, many decades.

Consequently, the farmers are exhausting all of their resources. They are sacrificing generations of resources that have been built up. They need help. It is not just a matter of low-interest loans; it is a matter of a plan.

We know we have certain areas to look to, but the safety net is not entirely there. So as we struggle to find relief, I would like to discuss with the gentlewoman her commitment to working with me and my colleague on this very important issue.

Ms. DELAURO. I want to assure the gentleman that we appreciate the gentleman's hard work on this issue and understand and will be willing to work with you as we proceed.

Mr. KINGSTON. Mr. Chairman, I yield myself 1 minute.

On this subject, the gentleman from Alabama and the gentlewoman from Connecticut and I have spoken about the fires we have had in south Georgia and the fires we have had in north Florida and Mr. BOYD's district to the tune of 580,000 acres. We have talked during the committee discussions about the possibility of obtaining some emergency conservation reserve program money for the private landowners

who lost approximately $45 million, and then also the State fire departments and the municipalities that spent about $45 million fighting these fires. And I wanted to ask the gentlewoman if we were still on one accord working on our drought/fire situation as we have discussed with Mr. CRAMER earlier.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. As we talked about in the full committee with both Mr. CRAMER and yourself, Mr. KINGSTON, and Mr. ADERHOLT, I talked about working with you on this issue. I commend you for bringing it to our attention.

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me just say to the gentlelady from Connecticut, thank you so much for your hard work and dedication to moving our Nation forward in the area of agriculture, nutrition, health safety and all of the other issues that you tackle each and every day.

I come today to enter into a colloquy to raise the important issue regarding the lifetime ban on food stamp eligibility for formerly incarcerated persons who were convicted of drug offenses. This is a serious moral issue of concern to me. Quite frankly, this ought to be for each and every Member of Congress.

After they have served their time, Mr. Chairman, the formerly incarcerated reenter society looking to improve themselves and their lives. In these instances, however, the current policy prevents them access to food stamps. This just makes no sense. This absurd policy is the result of an overzealous congressional effort to appear tough on crime in 1996.

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Once someone has paid their debt to society they should be able to have the resources that will help them put their lives together. I hope that we can work together to ensure that this inequity is addressed.

Ms. DELAURO. If the gentlewoman would yield, I assure the gentlewoman that we will work together on correcting the inequity.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. JACKSON of Illinois) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1) ''An Act to provide greater transparency in the legislative process.''.

The SPEAKER pro tempore. The Committee will resume its sitting.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The Acting CHAIRMAN. Who seeks time?

Ms. DELAURO. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentlewoman from Connecticut has 9 minutes. The gentleman from Georgia has 8 minutes.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the subcommittee and its chair for a good bill, and I wish to enter into a colloquy with the gentlewoman from Connecticut regarding funding for Community Food Projects and organic transitions research.

The 2007 farm bill that passed this House on Friday substantially increased the authorized funding for Community Food Projects, but it changed it from mandatory to discretionary. The CFP supports hundreds of innovative projects selected competitively, such as community kitchens, farmers markets, farm-to-school programs, in Connecticut among other States. I'm hoping that we can work toward finding discretionary funds for CFP.

Similarly, while the 2007 farm bill authorized a substantial increase in funding for various organic programs, funding for the organic transitions research program remained flat for the fiscal year. The market for organic food has reached $15 billion and is growing. Yet farmers need help making the transition from traditional to organic methods of farming, and without that help we will increasingly be dependent on overseas sources for organic products.

I ask the Chair to consider an increased level of funding for these programs.

Mr. Speaker, I rise today to express my support for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill for Fiscal Year 2008, and to commend the Committee and Subcommittee leadership for their efforts on the bill, but also to express my concern about the lack of funding for community food projects and the lack of an increase in funding for the organic transitions research program for Fiscal Year 2008.

The 2007 Farm Bill that passed the House on Friday substantially increased the authorization for Community Food Projects (CFP) funding, from $5 million to $30 million annually. However, it also changed the funding from mandatory to discretionary, and funding for CFP was not included in the FY 2008 Agriculture Appropriations bill that is before us today.

Hundreds of civic groups and associations throughout the country, as well as low-income consumers and farmers who produce for local and regional markets, benefit from this program. The program facilitates and builds the capacity of non-profit, community-based organizations so they can establish projects that meet the food needs of low-income populations; identify and address weakness in urban food systems, such as insufficient retail food stores in densely populations neighborhoods and poor access to healthy and fresh foods for schools; and promote comprehensive responses to food, farm, and nutrition issues by combining the resources of multiple sectors of the food system. From its inception in 1996 through 2007, CFP received mandatory funding under the Food Stamp Program and it has funded more than 240 innovative projects such as certified community kitchens, community supported agricultural operations, farmer's markets, agri-business incubators, farm-to-school programs and other projects.

I regret that the 2007 Farm Bill made CFP funding discretionary, if it remains so in the enacted bill, I hope that the Senate and House conferees will work to ensure that the prevailing level of funding for CFP will be provided in the enacted Fiscal Year 2008 Agriculture Appropriations bill.

In addition, I wish to stress the urgency of increasing funding for organic transitions research in Fiscal Year 2008. While the 2007 Farm bill will substantially increase funding for various organic programs, funding for the organic transitions research program has again remained flat for Fiscal Year 2008. The market for organic food has reached $15 billion and, according to the Organic Trade Association, growth in sales of organic food has been 15 percent to 21 percent each year since 1998, compared with 2 percent to 4 percent for total food sales. Although there are now 10,000 organic farms in the United States, that is not enough to keep pace with demand. As a result, organic food suppliers must increasingly look for organic produce and other agricultural products from overseas locations.

The Organic Transitions Program is a highly competitive grants program established as part of the Department of Agriculture's Cooperative State Research, Education, and Extension Service. This national program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning their farm operations into organic production. Through grants awarded under the program, for example, a university in the West has been funded to research ecological soil community management for enhanced nutrient cycling; a Northeastern university has been funded to research reducing off-farm grain inputs on northeast organic dairy farms; and another—a university in a Great Plains state—to fund research into the transition to sustainability.

The demand for research on a wide variety of topics related to organic agriculture has been increasing in proportion to the surging growth in the demand for organic agricultural products, and the benefits of this research accrue not simply to organic and other farmers, but to the entire health-conscious population. Notwithstanding this surge in demand, funding for organic research to facilitate the transition into organic farming methods has been holding steady at just under $2 million for the last few fiscal years, which represents only one-hundredth of one percent of the size of the industry the research is intended to support.

The organic transitions program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning

their farm operations into organic production. My amendment to increase funding for this program to $5 million passed in the House last year, and I hope to see this level of funding included in the enacted Agriculture Appropriations bill for Fiscal Year 2008.

Ms. DELAURO. If the gentleman would yield, these are both very, very worthy efforts, and I look forward to working with the gentleman on these programs.

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

Mr. KINGSTON. Mr. Chairman, I reserve the balance of the time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Chairman, I rise to engage our respected chairwoman of the House Agriculture appropriations subcommittee in a colloquy to raise an issue of importance to a group of struggling workers in the almond industry. At issue is whether a company or cooperative should continue to be funded through the Market Access Program in light of being found guilty of labor violations here at home.

During a recent organizing drive, Blue Diamond Growers, a past recipient of these MAP funds, was found guilty by the National Labor Relations Board of more than 20 labor law violations, including firings. These were serious offenses.

Would the gentlewoman agree with me that the Secretary of Agriculture has the authority to deny serious labor lawbreakers taxpayer funds which are distributed from the Market Access Program?

Ms. DELAURO. If the gentleman would yield, I, too, am concerned about treatment of workers at Blue Diamond Growers. I'm aware that the Secretary of Agriculture has the discretion to deny funding to a coop if it is in the best interest of the program. I further note that USDA regulations require that MAP participants adhere to the laws and customs abroad when they hire foreign workers to market their product. We'll work with you on this critical issue of real importance to our workers.

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

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I rise to oppose this particular bill.

But before I do, I do want to say I think there are a number of good things, a number of good provisions in the bill. As one who has come to the floor on numerous occasions to attempt to champion fiscal responsibility and earmark reform, I do take note that under the chairwoman's leadership, the gentlewoman from Connecticut, that the number of earmarks are actually reduced in this bill. I consider that progress, and she should be commended for that.

Having said that, Mr. Chairman, I also note that the bill increases spending over last year by 5.9 percent, 5.9 percent. Now the people who are ultimately going to be called to pay for this bill, my guess is their salaries didn't go up 5.9 percent. And I know throughout this debate we always point out all the good things that are in the bill, and occasionally we have to point out this very inconvenient question, and that is, who's going to pay for it all? Who's going to pay for it all?

Right now, the Federal Government is still spending roughly $23,000 per family. It's one of the largest levels in our Nation's history and the largest since World War II. Although it's down, the deficit is still very high, and Member after Member comes to the floor to decry raiding the Social Security Trust Fund, but we know if we're going to grow the Federal budget, including this bill, way beyond the growth of the family budget, that you continue to raid the Social Security Trust Fund.

Members come to this floor to decry borrowing money from China to pay for the national debt, but, again, if we increase this spending 5.9 percent, it's exactly what this body is going to do.

Now, we've already had a robust debate over the farm bill last week, and I know that many provisions in this bill will help rural America, and as one who represents six rural east Texas counties, I'm glad for that. As somebody who comes from three generations of people who made their living from agriculture, I appreciate the challenges in agriculture.

But I might observe that if we were really, really serious about trying to help all the different people involved in agriculture, maybe what we'd do is end the death tax, something our friends from the other side of the aisle have fought every step of the way. Somebody works their entire life to put together a ranch or a farm, Uncle Sam can come in and take 55 percent. Maybe we would stand up for private property rights and let these people dispose of their livestock as they wish. Maybe we would actually work to open up more markets for all of our food and fiber. But, no, instead, we're going to increase spending 5.9 percent.

That's the wrong approach, Mr. Chairman. We should defeat this bill.

Ms. DELAURO. Mr. Chairman, I yield to Congresswoman KAPTUR for a unanimous consent request.

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

Ms. KAPTUR. Mr. Chairman, I rise in support of this excellent bill to support food, fiber, fuel and forest production across this Nation.

Mr. Chairman, I would like to thank the Chairwoman Ms. DELAURO, a longstanding colleague, for the excellent bill she has assembled. As the former ranking member of the Agriculture Appropriations subcommittee, it has been a pleasure to see my colleague bring together our subcommittee through a form of collegiality unrivaled in this day of partisanship. This year's agriculture appropriations bill has been many years in coming, investing in the critical resources necessary to move agriculture and much of rural America fully into the 21st Century.

Ms. DELAURO has been a true leader and has produced a bill that should make all members of the Subcommittee proud. This bill invests in energy independence, secures our Nation's food supply, provides nutritional assistance for those living on the edge and link production from local small farmers with our urban consumers. The bill helps to grow America's economy through investing in rural America's potential for food, fiber, fuel and forest production.

Along with breakthrough investments in energy that will result from the recent farm bill, this measure moves America forward with a plan to use agriculture to solve our energy crisis. This legislation provides $350 million for biomass and renewable energy projects and $500 million to electrify America with wind power. This bill also provides $46 million for an innovative USDA grant program to help America transition to renewable energy sources, a program that has a long record of investing in the technologies of tomorrow. Agriculture holds the key if we are going to wean our Country from our dangerous dependence on foreign oil. This bill provides important incentive to transition us into the economy of tomorrow.

The Department of Agriculture dedicates almost ⅔ of its budget to nutrition, yet, there have been scarce few attempts to link local producers with urban consumers. This bill confronts those challenges and directs the Department of Agriculture to connect local farmers with procurement from USDA major nutrition programs. In addition, this bill also provides $20 million for the senior farmers market nutrition program, an approach so wildly successful with the elderly and with farmers that it regularly has more requests than funds available. For our Nation's farmers markets, this bill also provides $1,000,000 for the Farmers' Market Promotion Program to establish, expand, and promote farmers' markets to connect local production to the local marketplace.

I am also pleased to rise in support of the $150 million for the Commodity Supplemental Food Program that this legislation provides. This bill provides enough money to expand CSFP in 5 new states, providing a food supplement for those who cannot make ends meet.

These agriculture nutrition programs bridge the gap between urban and rural, linking consumers with local producers—helping to provide fresh produce, vegetables and commodities to those with little access to nutritious foods.

On food safety, this bill confronts critical challenges to the integrity of our food system. This bill blocks implementation of a rule which

would allow poultry importation from China and provides funds to implement the long awaited process of labeling the country of origin for food in our marketplace. It has taken many years to bring this issue to the forefront. But now it appears that Congress is finally giving consumers the tools for making effective decisions on what they choose to eat.

Before I close, I would like to advise the administration of language which clearly expresses the intent of Congress on the failed policy of Farm Service Agency closures. In both the Agriculture Appropriations bill and in the recently passed Farm Bill, the House of Representatives expressed its discontent with efforts to move forward with these closures. As there seems to be significant confusion on the intent of Congress on Farm Service Agency office closures, I respectfully refer the FSA Administration to two sections in recent legislation passed in the House of Representatives which clearly provide the intent of Congress on this issue.

In H.R. 2419 Section 11306 and Page 56 of the House Appropriations Report from H.R. 3161 clearly express the intent of Congress. As FSA moves forward with office closures in Ohio and across the Country, I strongly urge the administration to recognize the clear intent of the House Appropriations Committee, the House Agriculture Committee and the full House of Representatives.

In sum, this bill takes a major step forward for our Nation in opening new markets for farmers, makes major strides in conservation of our natural resources, attends to the food needs of all of America's needy families and children, moves rural America into renewable energy production, addresses challenges posed by serious environmental invasive species, and expands our food safety efforts. America must dedicate itself to food self sufficiency here at home and displace the rising levels of food imports. This bill invests in our Nation and our producers and consumers. I urge my colleagues to support it.

Ms. DELAURO. Does the gentleman from Georgia have any additional speakers?

Mr. KINGSTON. I do, but they're not here quite yet.

Ms. DELAURO. We have no other speakers.

Mr. KINGSTON. Mr. Chairman, let me yield myself 1 minute, and maybe somebody will percolate and maybe they won't.

I wanted to make a comment. Mr. HENSARLING had noticed that the earmarks were down. I think this is a good thing. I think that our job is going to have to be to make sure the earmarks stay down as this thing goes through the process, but I also think we need to be concerned about what can happen that will add costs to this bill.

It's interesting we just had a bill that had about 50 people vote against it. It was a popular bill that created a number of new programs, and I was thinking that so often on appropriation bill there's always a standard 100 to 150 people who vote ''no,'' and yet here was an authorizing bill, suddenly it's okay to spend money on an authorizing bill because it doesn't count. But on an appropriation bill, those same people who voted ''yes'' an hour ago will be voting ''no'' on the appropriation bill, except for Mr. HENSARLING, who's pretty consistent on everything.

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

Ms. DELAURO. Mr. Chairman, we have no additional speakers on our side except for myself in terms of closing. So, if the gentleman from Georgia would close, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I think I have one more in the wing. So let me again enlighten you with some of my wisdom, if I may yield myself 1 minute.

One of the amendments that we have been working on in this bill is the insistence that those who sell or contract to the Federal Government use Social Security verification. There's a program called the Basic Pilot Program, and we have that amendment in the bill.

I think it's important people realize that the idea is that if you're doing business with the Federal Government you should be in compliance with the law of the land, which is to have legal employees; and what this does is requires those vendors and sales corporations and contractors and subcontractors to show that they are in compliance by having Social Security verification.

I'm excited about this amendment. I think it's very important. President Clinton actually did the same thing February 13, 1996, by executive order; and I am hoping that if there's some problems with this amendment that as this bill moves through the process we may need to tinker with it a little bit but that we can keep the gist of it.

Mr. Chairman, we have no more speakers around, and I yield back my time.

Ms. DELAURO. Mr. Chairman, in closing, I just want to say I think we need to be very excited about this bill. We set out to accomplish several goals, including strengthening rural America, having the opportunity to protect our public health, improving nutrition for more Americans, and we tried to be concerned particularly about rural areas. But we're looking at 40 percent of the children in rural areas who are dependent on food stamps. We look to transforming our energy future to $1.2 billion in loans and grants, particularly in rural areas, supporting conservation, investing in research, which keeps our agriculture on the cutting edge and, finally, enhancing oversight.

Most importantly, what I believe about this bill is it brings our Nation back to its most fundamental principles and that is the strength of our communities. We have an obligation to keep these things and to get them right, and I'm assuming we will take that responsibility today.

Ms. WOOLSEY. Mr. Chairman, thank you for giving me this opportunity to talk about the importance of purchasing domestically grown and processed foods for school meals.

We all heard the recent reports about toxic products coming from China—everything from food to toothpaste. The last thing we want is to have any of that making its way into our children's school lunches.

Already, Congress has approved legislation encouraging schools to ''Buy American.'' This not only supports our farm communities, but also puts locally-grown products on our students' lunch trays.

It serves our farmers and producers as much as it serves schoolchildren throughout this country.

I am concerned, however, that the Department of Agriculture has failed to follow directives given to them by Congress.

This serious problem surfaced again recently. Earlier this year, at a convention hosted by the School Nutrition Association, one prominent school food display marketed products that were not only produced overseas but also processed overseas.

Nancy Montanez Johner, the Under Secretary for Food, Nutrition and Consumer Services, and several other Government officials were there.

I hope now that they have seen this problem for themselves, the Department will move quickly to take immediate action to correct it, and stop purchasing foreign agricultural products for use in the School Lunch Program.

The Department should be promoting products from our U.S. farmers and producers. The Buy American provision should not be some secret Government provision buried low in the small type.

Chairwoman DELAURO assured me she would work with me on this important issue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise to speak on H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008, and discuss the great need for cattle research in this bill.

The Southeast, particularly the gulf coast, is home to almost 40 percent of the Nation's beef cow herd.

Cattle production in this region has unique problems that come from heat, humidity, disease, and the environment.

The USDA is currently conducting research on major issues affecting beef cattle at the Subtropical Agricultural Research Station in Florida.

However, to keep our cattle supply abundant and healthy, there is a growing need to increase the scope of the research and find creative solutions to the unique subtropical environment stressors that are affecting herd production.

I recognize that there are many important programs like this one throughout the Nation, but I urge the Appropriations Committee to work with me to ensure adequate funding for this vital program in the future.

Mr. WAXMAN. Mr. Chairman, funding for the Food and Drug Administration is incredibly important—FDA oversees products that make up one quarter of all consumer spending in the U.S. and it is vital to protecting the public health.

But for all that we ask of this agency, I am concerned that we do not give FDA what it needs to do its job. For years, FDA has been underfunded—its costs have risen dramatically while its appropriations have barely increased. In fact, the number of staff at FDA has actually dropped since 2003, despite rapidly expanding burdens.

I know that the chairwoman is a staunch defender of food safety, and I share her concerns. I have my own doubts about whether

this administration is doing all that it can to protect our food supply. But I also know that FDA cannot keep our food safe if it doesn't have the people to make decisions or conduct inspections. Because FDA's food programs do not involve user fees, unlike the drug and device programs, food safety is one of the most neglected functions at the agency. Partly as a result of this shortage, FDA's ability to ensure a safe food supply is severely limited. The effect of this is simple: Less money for food safety means fewer staff working to protect the food supply; fewer inspections; a diminished ability to respond to outbreaks, and—most important—a limited ability to develop policies that can prevent future catastrophes.

FDA is facing a shortfall of crisis proportions, and I believe that greater funding is imperative. We ask a great deal of FDA, and we need to support it with the funds necessary to do its job. I know that the chairwoman has taken the first step in this bill to reverse the trend of shortchanging FDA. But I think we can do more to begin restoring FDA to its proper role. That will require a multi-year commitment to greater funding.

I recognize that Chairwoman DELAURO is concerned about existing problems at FDA and I share her concerns. My committee's investigations of FDA have identified significant problems at FDA, some of which have nothing to do with funding. For example, we've seen political interference in scientific decision-making and a failure to conduct vigorous enforcement of the law. Both of these interfere with FDA's ability to protect the public health, and they cannot be fixed with money alone. But these issues are matched with problems that are purely a matter of resources.

I think we need to provide greater resources for FDA at the same time that we provide greater oversight.

Currently, the Senate bill appropriates $1.75 billion to FDA, with $522 million for food safety. The House bill appropriates roughly $57 million less than that overall, and $48 million less for foods. I think the Senate level of funding is a good start to restoring FDA to its proper level of funding. I urge the chairwoman to seek the highest level of funding that is feasible in conference.

As I said, I think this will be a multi-year effort, and I would like to work with the chairwoman on restoring FDA in the years ahead with even greater funding.

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

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 599, no further amendment shall be in order except the amendments printed in part B of House Report 110–290. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–290.

Mr. SESSIONS. 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. 1 offered by Mr. SESSIONS:

Page 3, line 9, strike "*: Provided*" and all that follows through "budgets for contracting out".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment would strike language included on page 3 of this legislation, which would have the same anti-competitive effect as language already included in almost every other one of the Democrat majority's appropriations bills, by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs by limiting the Agriculture Department's Chief Financial Officer's ability to spend money on this taxpayer-friendly activity until he provides a redundant report back to Congress on the Department's contracting policies.

While this policy may be good for increasing dues payments to public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to use competition and takes that ability away from them.

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In 2006, Federal agencies competed only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of over $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions, completed since 2003, are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every $1 spent on the competition with an annualized savings of more than $1 billion.

This provision is obviously needed to stall public, private competitions for an entire fiscal year, rather than allowing a proven process to work, as it was intended, and it would harm taxpayers by denying the Department of Agriculture the ability to focus its scarce resources and expertise on core missions.

This concerted effort to prevent competition sourcing from taking place at the Department of Agriculture comes just a week after the House passed an agriculture bill that goes way beyond the Federal scope and strips States of their ability to use competitive sourcing to improve their own food stamp programs, demonstrating that the Democrat leadership is hearing clearly from labor bosses that the Agriculture appropriations bill represents yet another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all the tools it can to find taxpayer savings and reduce the cost of savings that are already being provided by thousands of hard-working companies nationwide.

Mr. Chairman, I include in the RECORD letters of support for this amendment from the Fair Competition Coalition.

THE FAIR COMPETITION COALITION,
August 2, 2007.

Hon. PETE SESSIONS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: The Fair Competition Coalition supports your efforts to remove from Title I the anti-A–76 language from the Fiscal Year 2008 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (H.R. 3161).

We are writing to express our strong opposition to the language in Title I under the Chief Financial Officer section, which would stop all funding of the Department's FAIR Act Inventories and all A–76 competitive studies. On behalf of the thousands of companies and hundreds of thousands of employees represented by the associations listed below, we urge adoption of this amendment.

The Federal Activities Inventory Reform (FAIR) Act was enacted during the Clinton Administration, and received strong bi-partisan support in the Congress as well as union and industry support. The law simply requires each Federal agency to publish an inventory of all its commercial activities.

This prohibition will hinder the agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities. All relevant studies have shown that the competition process itself, regardless of outcome, results in savings exceeding 20%. The prohibition on identifying and studying these positions is thus highly inappropriate and unfortunate for the taxpayer, as well as a restriction on the ability of any President to manage the Federal government.

FCC supports adoption of your amendment to remove this harmful language from HR. 3161.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV

Parks and Campgrounds, National Defense Industrial Association, National Federation of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

I urge all of my colleagues to support this commonsense taxpayer first amendment to oppose the underlying provision to benefit public union sector bosses by keeping cost savings competition alive to the government.

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

Ms. DELAURO. Mr. Chairman, I rise in opposition.

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

Ms. DELAURO. I rise in opposition to the Sessions amendment, and I am astounded that the gentleman is taking the time of the House with this amendment.

The only requirement in the language that the amendment seeks to strike is for the USDA, the U.S. Department of Agriculture to provide a report on contracting out policies and expenditures, to the appropriations and the Oversight and Government Reform committees.

This is a bipartisan provision, included when the gentleman's party was in the majority and a long-standing provision that was first part of the Agriculture bill for fiscal year 2004.

If the gentleman's aim is to allow USDA to continue contracting out, this amendment is not the way to accomplish that. The language that we have included in the bill does not prevent USDA from carrying out the outsourcing of Federal work. What it simply aims to do is to establish a much-needed oversight on the related costs to contracting out.

Regardless of how one feels about the role of the Federal workforce and the outsourcing of Federal jobs to private contractors, why would we object to transparency in this area? We are talking about a report.

Now, after the comment about the report being burdensome, this is the report, it is hardly burdensome, four paragraphs and a chart. It really defies the imagination.

The fact is that we need to exercise our responsibility. We need to increase oversight in this area. We all know that the administration's guidelines for public-private competitions, OMB circular 876, has long favored contractors and stacked the deck against Federal employees.

The Bush White House has pushed privatization so much that the Los Angeles Times reported earlier this month that there are more private contractors in Iraq than U.S. troops. More than 180,000 civilians, including Americans, foreigners and Iraqis, are working in Iraq under U.S. contracts, according to State and Defense Department figures obtained by the newspaper.

I believe we should know the costs associated with contracting-out policies. That is all, again, that is all the language in the report is about, and I cannot understand why the gentleman objects to a report.

I urge a ''no'' vote on the amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, may I ask what time remains.

The Acting CHAIRMAN. The gentleman from Texas has 90 seconds.

Mr. SESSIONS. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for yielding.

Mr. Chairman, I had an amendment that was not made in order that would have allowed us to have a conversation about States' rights.

There is a provision in the bill that severely rejects States' abilities to run their food stamp programs in ways they see fit in ways that are economical, provide benefits to beneficiaries in a respectful way; and it was not made in order.

I think States' rights and a conversation about that is a worthy topic this evening to have this discussion. It's unfortunate that a select few on the Rules Committee, on the majority, are afraid of that conversation.

I don't know if I would have won it or lost it. I think every time we trample on a State's rights to do things, the 10th amendment to the Constitution, that that's worthy of a conversation for this floor.

I am flabbergasted that the majority on the Rules Committee were afraid of having that conversation tonight. So let me add my voice to the long line of Members on this side who whined about being cut out of this process.

This is a legitimate issue, the right of a State to run its business the way that it sees fit, and if it does things correctly, and we develop new ways to do things, allowing other States to adopt those same models. This bill prohibits that from happening. This tramples on States' rights. It's an issue we should have had a full debate on, at least 5 minutes on each side, but we are not going to because of some fear on the other side.

Ms. DELAURO. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentlewoman from Connecticut has 2 minutes.

Ms. DELAURO. Mr. Chairman, again, let me just notify the gentleman who just spoke, there is truly nothing in our bill that deals with the issue of privatization or with States and privatization. I think the gentleman is confused with the Agriculture appropriations bill and with the farm bill which occurred a week ago. That was addressed in the farm bill. There is nothing in our bill that deals with the issue of privatization.

I think it's again worth noting that all we are speaking about here is a report. What I can't understand is why we would not want to know about the cost of contracting out and what is happening. That is what our responsibility is, to ask questions. We have oversight responsibility of these Federal agencies.

As I pointed out before, you have 21,000 Americans, 43,000 foreign contractors, 118,000 Iraqis all employed in Iraq by U.S. tax dollars, according to the most recent government data. You have got the massive privatization of military jobs which have been taken up with construction, security, weapons systems, maintenance, and, in fact, we can't even keep track of that effort. We have a responsibility, whether it is Department of Agriculture, whether it is Department of Defense, whatever Department it is.

If we want to hold the jobs that we have, we ought to be asking questions about how taxpayers' dollars are being spent by these agencies. And it's fiscally responsible, and it is what we are charged with doing. You may choose not to know what they are doing because you concur that that's the thing to do, to replace Federal employees and their jobs. You can hold that view, but let's get the information. Let's get a mere report to do it.

I ask for a ''no'' vote on this amendment.

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

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

Mr. SESSIONS. 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 Texas will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 110–290.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 33, line 16, after the first dollar amount, insert ''(reduced by $6,287,000)''.

Page 33, line 17, after the first dollar amount, insert ''(reduced by $6,287,000)''.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that may be

modest in the dollars involved, but I believe it is very, very important in the principle that underlies it.

The amendment would simply level fund the Community Facilities Grant Program, level funding. It would spend the same amount of money next year that we have spent last year.

Instead, what we see in this appropriations bill is that the amount is going to be increased 37 percent, 37 percent. Now, again, the people who are going to be expected to pay for this, I seriously doubt that they saw their paychecks increase 37 percent.

Now, I have no doubt that good things can be done with this money. Those who want to spend more of the taxpayers' hard-earned dollars always have some very good rationale for doing it.

But the question is, any time you create a Federal investment, by definition you are going to be creating a family divestment, because somebody has to pay for this. In this particular case, when it is the Heritage Foundation, as is noted, by at least one count we have 10,000 Federal programs spread across 600 different agencies. I defy any human being to tell me what they do. The Office of Management and Budget has noted in their budget report: ''This program is redundant with other Federal programs at the Department of Commerce and Housing and Urban Development.''

Now, my reading of this bill, and I would certainly let the chairman correct me if I am wrong, I don't think one single program is terminated in this particular bill. Everybody is going to get more money except the people who have to pay for it, and that is the poor beleaguered taxpayer.

I have a lot of respect for the chairman of the subcommittee, and we serve on the House Budget Committee together. I know she hears the same testimony that I hear. That testimony is this Nation has a huge spending problem.

Already with the government that we have, we are on track to double taxes on the next generation or, for all intents and purposes, there will be no Federal Government in the next generation, save Medicare, Medicaid and Social Security.

I know it's a problem that doesn't manifest itself tomorrow, but how long is this Congress going to kick the can down the road? I mean, we have heard the testimony. Our Comptroller General has said that the rising cost of government is ''a fiscal cancer'' that threatens ''catastrophic consequences for our country and could bankrupt America.''

Yet here we have a bill increasing one program 37 percent and terminating none, none. I mean, where does it all stop?

Now, I know the subject matter is important. I have the honor and privilege of representing a fair amount of rural Texas in the Fifth Congressional District, but those are the same people who are being asked to pay for this. They are the ones who are going to be subjected to the single largest tax increase in American history of roughly $3,000 per family.

So here we have out of 10,000 Federal programs one that OMB has said is redundant, does the same thing that other programs do. Unfortunately, the committee's response is to increase it 37 percent.

Now, maybe the savings is modest to the taxpayer, but the principle is huge, because ultimately the Federal budget cannot grow beyond the family's budget ability to pay for it. There is a very important precedent that could be set here. Let's take one program and tell the American people who have to pay for it, know what, it can do with the same amount of money last year that it had this year. Let's protect, let's protect the family budget from the Federal budget. Let's adopt this amendment.

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

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Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

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

Ms. DELAURO. I yield myself 2 minutes.

I rise in strong opposition to this amendment from the gentleman from Texas to cut the Community Facility grant program.

These are grants, please understand, that assist in the development of central community facilities in rural areas and towns of up to 20,000 in population. These are small communities, low populations, low income, and they receive a higher percentage of the grants.

What are they used for? To construct, enlarge, improve community facilities. What are those community facilities? It is about health care, public safety, community, public services. When you have seen what has happened to rural America with the loss of jobs, globalization, you have families and livelihoods which have become marginal, you also see the fabric of the community and those institutions cannot be sustained, and these things go away. And so that the local community has an opportunity to create some of these services that are necessary, it is vital to small communities, to impoverished communities. And they build fire stations, hospitals. They purchase ambulances and other critical facilities.

And if you don't deal with the health care where they have limited availability and accessibility, we are going to continually have a shortage of health care providers in rural America, and that is a disaster.

Major investments in transportation, telecommunications, and other critical services are necessary in many rural areas, and local tax bases are unable to support necessary investments and improvements. And we know what the topography is in rural areas with the remoteness from metropolitan areas adds only to their difficulties.

This is essential, this program, to really help communities get a critical infrastructure. This is building infrastructure in rural America, which every report, every study says we need to do in order to reenergize and revitalize rural America. I urge you not to vote for this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, let's hear from some of the people in rural America whose health care is going to be impacted by this bill.

More spending fuels more taxes. Let's hear it from the McConathy family in Mineola, Texas. ''We are retired and on a fixed income. If our taxes are raised almost $3,000, we will not be able to afford the medication we need.''

Mr. Chairman, that is coming from the people who have to pay the taxes to help pay for the 37 percent increase in this program that the Democrat majority wants. Maybe they can spend their money better for their health care; and, because of that, I urge adoption of this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment.

Let's be practical. This is about rural America. These are about towns that are under 20,000 people who have come together and decided they want to build community facilities, community centers so people can get together and solve problems. They have to put up the money for their match, and they are asking for a competitive grant program, means that their ideas have got to compete with other ideas in small towns around the Nation.

This gentleman gets up and berates the fact that he is taking all this time to cut this money out of rural America for something that they want. You go back and tell your taxpayers that, while we are sitting here, we spent $13,732,620 in Iraq in one hour, in one hour. And they are building community centers over there for the Iraqis. We can build community centers for our communities in the United States.

I oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised to address their remarks to the Chair.

Ms. DELAURO. Mr. Chairman, I yield 1¼ minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Let me rise in strong opposition to the gentleman from Texas's amendment, and I am hoping that the gentleman might engage me in a brief question.

These grants assist in the development of essential community facilities in rural towns of up to 20,000 in population. We talked about them in great detail in a number of hearings on the Agricultural Appropriations Subcommittee, and witness after witness suggested that these Federal funds, in conjunction with local funds, made it possible for them to advance the idea of health conversations and broader conversations about fire stations and hospitals and purchasing ambulances and other critical community facilities.

I was going to ask the gentleman if he wouldn't mind engaging in just a brief colloquy with me. A brief question: Does the gentleman support the President's budget?

I yield to the gentleman from Texas.

Mr. HENSARLING. No, I do not.

Mr. JACKSON of Illinois. The gentleman does not support the President's budget. Well, that is important, because let us be clear that the gentleman's amendment is proposing $16.8 million more than the President is proposing in this program.

The President has zeroed this program out. The committee sought to increase the number in this program. And if the gentleman's amendment returns it to the 2007 level, the 2007 level is $16.8 million more.

I encourage you to vote against the Hensarling amendment and support the Community Facilities program.

Ms. DELAURO. Mr. Chairman, let me close by saying that, again, this is about building infrastructure in rural America.

The facts are that the demographics are changing in rural America. We are looking at communities that have lost jobs, that have lost because they can't sustain them, community institutions. These community facility grants allow for these communities to access resources in order to create the kinds of services that they and their families need in order to be able to survive.

The demographics are going in one direction, and the administration will take away all of the opportunities, as with the gentleman from Texas, for these communities to be able to thrive. It is wrong, and I urge my colleagues to vote against this amendment.

I yield back the balance of my time.

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

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

Mr. HENSARLING. 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 Texas will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 48, line 12, after the first dollar amount, insert ''(reduced by $8,910,000)''.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, the purpose of this amendment is, frankly, identical to the purpose of the previous amendment; and that is, let's show the American people that, out of these 10,000 Federal programs spread across 600 different agencies, that maybe one of them, one of them can do with the same amount of money next year that they had last year.

Instead, this particular program that is involved, the Broadband Grants program, in H.R. 3061, spending on the program has doubled, increased 100 percent. Again, are people who are expecting to pay for this, did their family income go up 100 percent?

And I have listened carefully to several of the previous speakers, and I will be measuring my comments. But, Mr. Chairman, I grew up working on my father's family farm. I am the son of a farmer. I am the grandson of a farmer. I am the great grandson of a farmer. I grew up in rural communities in Texas like Slaton and Naples and Lingelville. So, Mr. Chairman, I don't take a back seat to anybody to my commitment to rural America. It is where my roots are.

And so maybe some of the people on the other side of the aisle, maybe their constituents are a little different than mine. Maybe the people they grew up with and their surroundings and circumstances were different than mine. But I spend a lot of time talking to people in rural Texas in the counties that I have the pleasure of representing, those counties that help comprise the Fifth District of Texas. And they would love to all have broadband. They would love to have it.

And do you know what else they love even more? They would love not to have the single largest tax increase in American history imposed upon them. They would love to get rid of the death tax that can take away the family farm or ranch it took generations to build. That is what they would love. They would love the ability to be able to dispose of their private property, as they struggle to make their family farms and ranches successful. Each one of these has been opposed by the Democrat majority. That is what rural America needs. That is what people on the farm and ranch need.

Now, again, the goal of helping bring broadband to rural America is a very worthy goal. It is a very lofty goal. And I am sure in just a couple minutes we will hear how the entire rural America will come to a complete halt if we don't have any Federal, a Federal Government program dealing with broadband, notwithstanding the fact that the Office of Management and Budget has already noted, ''This program is duplicative of the Broadband Loan Program authorized in the 2002 farm bill. The areas eligible for grants are also eligible for low-cost broadband loans through the RUS.''

The program is already there. So what are we doing spending double on this program, being completely oblivious to the people who have to pay for it?

Again, there is great, great focus on the benefits of this program. But where is the focus on the cost?

Again, I know the gentlelady from Connecticut hears the same testimony I do in the Budget Committee, but already we are on track, we are on track to double taxes for the next generation. The Comptroller General has said that we are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. And so what do we do? We don't even sit idly by. We double spending on this particular program, completely oblivious to those who have to pay for it, especially future generations.

If there is anybody who qualifies today for the least of these in the political process, it is future generations. And because of that, although the principle is large, the sum is modest, I encourage adoption of the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

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

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise again in strong opposition to this amendment from the gentleman from Texas. This would cut in half the Broadband Community Connect program.

This funding level will help. First, let me quote to you from something called the Carsey Institute Report, Rural America and the Twenty-First Century Prospectus from the Field. And this is the quote. This is June, 2007: ''Expanded broadband telecommunication is essential, is essential, if rural areas are to be competitive in a global economy.''

I can't believe the gentleman would want to move us backward and not forward in terms of allowing our communities to move into the 21st century and to be able to compete globally. This funding level helps more families in rural communities get the access that they need to technology. This helps to increase business, employment opportunities, greater access to educational and lifesaving medical services.

This is not a partisan issue. We all support providing increased broadband

services to rural America. Communities that are selected to receive grant funds do not currently have access to broadband connectivity for central services of police, fire protection, hospitals, local governments, libraries, schools. In return, what the communities do, because it is a partnership, they provide a community center where you have at least 10 computers to be available to the public with hours set for instruction and on the use of the Internet.

This is about economic opportunity and revitalization and the potential for improving the quality of life for residents in these areas that need to have this infrastructure. The technology is going to be the key to the ability of rural businesses and rural economies.

Mr. HENSARLING. Mr. Chairman, number one, with all due respect to the gentlelady from Connecticut, this amendment would cut nothing. It would level fund the program from one year to the next.

And, again, let's hear the voice of rural America. Let's hear from the Peterson family in Van who is going to have to pay for this.

''I am a widow, a full-time college student, single mother of a growing teen boy. This amount would be impossible to squeeze out. The monthly amount is more than half of my monthly vehicle installment and more than a third of my monthly housing expense and exceeds my already bare bones monthly grocery budget.''

Let's adopt the amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

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Mr. JACKSON of Illinois. Thank you, Madam Chair.

Let's put a face on this program. In Horseshoe Bend, Idaho, no company had invested in providing broadband delivery to the residents until a company called Bitsmart applied for a USDA Community Connect Grant. 770 people live in Horseshoe Bend, Idaho. Now, Bitsmart has established wireless Internet accessibility and availability, an integrated system connecting law enforcement, health care providers and school and government offices.

The USDA Rural Development mission is to increase economic opportunity and improve the quality of life for rural residents. To level fund a program that connects rural Americans to the rest of our country would be a moral disgrace. We are under an obligation in this Congress to bring rural communities, where large corporations and medium-sized corporations do not invest in them, into the information age and make them part of our more perfect union.

I encourage my colleagues to reject the Hensarling amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment, and I hope the author will tell that mother in rural America that his money cuts grants to rural areas, to her local schools in rural areas, to her hospitals and to her rural businesses who all want to get access to broadband. They're leaving the rural area because they don't have this.

Also tell that mother that the same amount of money is being spent in Iraq in 45 minutes, in 45 minutes. In just the time of this debate, we're spending more money than this amendment cuts in Iraq to build those things that he wants to cut away from rural America.

This amendment is wrong. I oppose it.

Ms. DELAURO. How much time, Mr. Chairman, remains on our side?

The Acting CHAIRMAN. The gentlelady from Connecticut has 1 minute. The gentleman from Texas' time has expired.

Mr. JACKSON of Illinois. I was hoping the gentlelady from Connecticut would yield for just a brief question.

Would the gentlelady care to share with the committee what the President's proposal was for this particular program in this particular budget?

Ms. DELAURO. The President's proposal was to zero out the broadband program, telemedicine, which is really quite extraordinary in an age of technology, an age of trying to bring our communities together and particularly rural America. One of the things that we do in this bill is we're examining why we have so many underserved areas in terms of rural America. And we're going to request that the Inspector General do a study of why money isn't going into the underserved areas.

I don't think that there's an individual in this House, on either side of the aisle, that doesn't believe that that is the key to the future; the Internet, broadband, telecommunications. It's for urban areas. It is particularly for the rural areas which are underserved. Again, these are communities population under 20,000. Libraries, educational centers.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Ms. DELAURO. I urge my colleagues to vote against this amendment.

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

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

Mr. HENSARLING. 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 Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KINGSTON: Strike section 726.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I yield my time to the gentleman from Michigan (Mr. ROGERS).

The Acting CHAIRMAN. Without objection, the gentleman from Michigan will control the 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Mr. Chairman, I'm going to cut right to the chase. We have so little time.

I yield myself 2 minutes.

You know, the New York Times highlighted in an investigation in May, the global and deadly epidemic of counterfeit drugs. Counterfeit product diethylene glycol, an industrial solvent ingredient in antifreeze, found its way into cough medicine on our shelves. It was traced from Panama, through Spain, from China, all countries that would be permitted under this bill.

We must remember how dangerous this is. And I understand everybody's intention to try to lower drug prices to our seniors. That's critically important.

But what we are doing is throwing open the gates to every counterfeiter in the world, and the top five countries, China, Russia, India, Colombia, the other countries who are trying purposely to adulterate our prescription drug safety in the United States of America.

Seventy years ago the same diethylene glycol killed more than 100 people in the United States. That's why we have the FDA today. And guess what? It just happened again in May.

This is the wrong time to throw away all of those institutional years that we've developed to protect our drug supply in America. And I want to quickly show, and I apologize for the speed here, Mr. Chairman, but we have so little time on such an issue that is so important to the United States of America.

This is one of the facilities that was making drugs in China. How many of you would ask your mother to take a drug coming out of this facility? None of you. None of you would do it. And it's wrong for us just to throw it open for a political gamesmanship to say we're going to try to lower drugs. It's dangerous.

Aricept, to treat Alzheimer's disease, was found to be counterfeit. And it looks unbelievably uncanny like the real thing. Let me show you real quickly. Look, you cannot tell the difference. Are you going to ask an Alzheimer's patient to tell the difference between the real and the counterfeit?

And guess what? This isn't 70 years ago. This is today. They're trying to do this today. I cannot tell you how dangerous this is. We should take the opportunity to undo this and go back and use common sense.

I reserve the balance of my time.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, first of all, because we are under such tight time constraints, I might add, and I understand the points that the gentleman from Michigan was making.

But of course, let me also mention, and I'll submit this for the RECORD, that the foreign facilities inspected for approval by the Food and Drug Administration include those from 65 countries, and I'll name just a couple: China, Macau, Niue. I don't know if anybody here has heard of the country Niue. I'm embarrassed to say that I don't know where Niue is. Russia, India and several other countries that at one point in time may have been questionable.

I also want to point out to the gentleman, and I know that he must be aware, that 40 percent of all drugs that come into this country that we take on an everyday basis, whether it is cholesterol medicine like Lipitor, which is made in Ireland, or Prilosec, which is made in Sweden, all of these drugs are already imported into the United States. So how do we really know if these drugs that are sold by the brand name manufacturers actually have ingredients that are safe?

And I would also say to my colleague from Michigan, who is very, very lucky, because Michigan is right next to Canada, and your senior citizens are able to cross that border there at Detroit, go into Canada, and they can buy their prescription drugs for 40 percent less, 50 percent less than American citizens can.

U.S. FOOD AND DRUG ADMINISTRATION

Foreign Facilities inspected for approval by FDA (65 countries)

Argentina, Austria, Australia, Belgium, Bahamas, Brazil, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Haiti, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Macau, Malta, Mexico, Netherlands, Niue, Norway, Poland, Portugal, Republic of Korea, Romania, Russia, Signapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, Turkey, United Kingdom.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who knows that 30 percent of the prescription medicines in the areas of Latin America, Asia and sub-Saharan Africa are counterfeit, all of which would be permitted under this bill.

Mr. ROTHMAN. Mr. Chairman, I support the Kingston amendment which upholds existing law which allows for the importation of a personal-use quantity, a 90-day supply of a prescription medicine from Canada.

What the Kingston amendment will not allow, though, is the bulk importation of pharmaceuticals for the use of so-called Internet pharmacies. Internet pharmacies, you don't know where they're getting their drugs. They could come and have come from every single continent, from nearly every continent on the planet.

If we want to reduce the price of drugs, we ought to encourage the drug companies to eliminate or minimize the price disparity between what our citizens pay in the United States and what people around the world pay for their prescription drugs. And, Mr. Chairman, we ought to reform Medicare part D.

The Republican plan would subsidize the insurance industry and subsidize the drug companies instead of using that money for cheaper drugs for our own people in the United States.

But the Kingston amendment will assure a personal supply that you can get from Canada, but will also assure a safe product comes to the people of the United States when they get their prescription drugs.

Mr. ROGERS of Michigan. Mr. Chairman, I reserve.

Ms. DELAURO. I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I would just like to point out, 1, as I was starting to say, that our senior citizens, even with Medicare part D, cannot afford their prescription drugs. There is no competition in the marketplace.

And it was very interesting, today I ran into one of the pharmaceutical lobbyists who happened to tell me, Oh, my gosh, the Kingston amendment is getting us all engaged again in this issue, and, you know, we're going to pull out all the stops.

And I dare say that I would prefer to stand up for my constituents in Missouri as opposed to the pharmaceutical companies keeping competition and low prices out of this country.

Mr. ROGERS of Michigan. It's unfortunate the gentlelady would take personal comments, when you know that there are Americans and a Canadian who was just killed using counterfeit drugs, very unfortunate indeed.

I yield 1 minute to the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, a good friend and a great friend of the American people, Mr. DINGELL.

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

Mr. DINGELL. Mr. Chairman, this is a good amendment and it should be adopted.

How many of my colleagues saw television last Sunday night when they saw the hundreds of thousands of fraudulent counterfeit pharmaceuticals, pills that could be imported into the United States from China, and saw Chinese entrepreneurs bragging about how many of these they could make available?

You can kill people with bad drugs two ways. One is by giving them adulterated, contaminated unsafe drugs. That'll kill them. The other way is to give them drugs that don't do anything. And these drugs, although cleverly marked and wonderfully packaged, don't do anything.

How many of you want the blood on your hands of having people killed by allowing drugs to be imported which are not safe or which do not do what they're supposed to do?

How many people here want to see to it that your constituents are getting drugs which won't deal with hypertension or which won't address the problems of cancer or which won't deal with other life-threatening drugs, with life-threatening conditions?

I urge you to support this amendment.

I commend my good friend from Michigan for his leadership, and I say thank you. The Nation owes you a debt.

The Nation is watching this Congress to see whether or not this Congress is going to protect the people or whether we're going to expose them to great risk. I challenge my colleagues to do what is right.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise to oppose the gentleman's amendment and to allow the importation of safe prescription drugs into our country.

You know, the pharmaceutical companies are making record profits. I represent a district along the Canadian border. Hundreds and hundreds and hundreds and hundreds of sick people from our district have to drive up over that bridge, the Windsor Bridge, up into Canada in order to take care of their mentally ill kids. The senior citizens that can't afford drugs, or they've been thrown out of a job, to try to keep house and home together as they have to purchase various pharmaceutical products.

What do we have an FDA for if it isn't for certification? That's what we want them to do. These drugs are being bought from certified pharmacies.

You know, the seniors that come through the supermarket aisle in the place where I shop back home, they're choosing between food and medicine. What kind of a choice is that, really?

You don't have to buy unsafe drugs. You can buy safe drugs. We want the FDA to regulate. I'd prefer to see drug prices reach an affordable level in our Nation and to make sure that all of our people have full prescription drug coverage under Medicare, and that's the direction we ought to move, including drug coverage under our insurance programs.

But there's absolutely no reason to buy the red herring that if you buy pharmaceuticals in Canada they're not safe. There isn't a single person in my district that has ever gotten sick, because they go to certified pharmacies.

The tragedy is they cannot afford those drugs in this country.

And I want to compliment Congresswoman DELAURO, who has fought on this, Congresswoman EMERSON, who has fought on this. It seems like we keep fighting this because the pharmaceutical companies keep fighting us to do what's right for this country.

Mr. ROGERS of Michigan. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. Thirty seconds.

Mr. ROGERS of Michigan. I yield the remaining time, as I remind the gentlelady from Ohio that this bill would actually eliminate the enforcement of the FDA of all the rules, which makes it so dangerous. And nobody knows more about the dangers of counterfeit imported drugs than the gentleman from New Jersey. I yield my remaining 30 seconds to the distinguished gentleman from New Jersey (Mr. FERGUSON).

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Mr. FERGUSON. Mr. Chairman, I rise in strong support of the Kingston amendment.

I have got short time, but earlier this year the Energy and Commerce Committee had a hearing on drug safety, and my good friend, the gentlewoman from Colorado (Ms. DEGETTE), summarized the problem with drug importation by referencing a New York Times article just that week. She said, ''Counterfeit drugs made in China were exported to Panama for sale, and they included a deadly toxin . . . 365 families reported deaths as a result of the tainted cough syrup and fever medication.''

My friend, Ms. DEGETTE, continued: ''Mr. Chairman, the dangers from counterfeit and contaminated drugs are frighteningly real, even under the current construct. Permitting reimportation would significantly increase the risk of counterfeit, misbranded, and adulterated drugs that would end up in my constituents' homes.''

I agree with my friend from the other side of the aisle, the dangers related to drug importation the FDA needs the authority to prevent counterfeit medicines from coming into America.

I urge my colleaues to support the Kingston Amendment.

Ms. DELAURO. How much time is left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Michigan has no time left. The gentlewoman from Connecticut has 90 seconds.

Ms. DELAURO. I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for the time.

I want to say this is a major policy change. That is why we are here debating it. It is unfortunate we don't have a full Chamber. But the reason that I offer this amendment is because I think we should have the floor engaged on it, and we will have that opportunity tonight.

Number two, people are doing this. There are 1 to 3 million people who are buying Canadian drugs and drugs from other countries right now. If we are interested in safety, we will find a way to make this safe. This is a country that just invented the iFone, the iPod, the navigation system, and all this stuff. We can figure out how to make these drugs safe.

Finally, as Ms. KAPTUR said, these are certified drugs made in the United States in most cases.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

I reiterate: These are FDA-approved drugs from FDA-approved facilities. Let's set the record straight.

The Congress has been misled by the pharmaceutical industry. They have stood in the way of keeping safe and affordable prescription drugs out of the hands of consumers. They are now misleading us in this campaign to scare the American public on the issue of drug importation. Prescription drugs can be imported into the United States safely. It has been done for decades. Reimportation needs to stay on the table. It needs to stay in this bill.

The drug companies have repeatedly demonstrated the influence that they have gained within the FDA and the Bush administration. It is time for the Congress and the American people to demonstrate that we are not easily swayed. Oppose this amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Kingston Amendment which would strike language from the bill to implement a fundamental change to the FDA's drug safety laws by allowing the commercial re-importation of prescription drugs.

The bill is a vast expansion of current policy. Besides allowing individuals to bring drugs across the border for their personal use, the bill would allow pharmacists and wholesalers to re-import prescription drugs for sale in the U.S.

Let me address the myth that allowing prescription drug reimportation will dramatically reduce drug costs for Americans. This has never been proven and according to a 2004 report by the Department of Health and Human Services, estimated SAVINGS TO INDIVIDUALS WOULD BE LESS THAN 1 PERCENT. I'm concerned about taking serious risks to patient health for little or no gain.

It's important to remember why prescription drug re-importation was banned in the first place. Nearly 20 years ago, Congressman JOHN DINGELL introduced and passed the Prescription Drug Marketing Act. He did so on the heels of a multi-year investigation by the Energy and Commerce Committee's Oversight and Investigation Subcommittee.

The Subcommittee's investigation uncovered a string of abuses that were harming patients, including widespread importation of counterfeit drugs, drugs that had been tampered with and drugs that were incorrectly dosed or wrongly labeled. It showed that wholesalers who brought drugs back into the U.S. had no idea where the drugs originated, who they were buying them from and whether they were stored properly.

These problems have only worsened in the years that have followed. In 2003 the FDA and Customs Service found that 88 percent of imported medicines entering the U.S. were unapproved or otherwise illegal.

Mr. Chairman, the FDA is already a beleaguered and underfunded agency, a fact which was borne out by the recent incidents involving the importation of dangerous food and drug products from abroad, including tainted dog food and toothpaste, and Congress continues to struggle to find revenue for this vital agency. To require the FDA to take on the additional mandate of policing imported drugs will only place additional burdens on an already strapped agency.

I understand the concern of many of my colleagues about the cost of prescription drugs, particularly for elderly Americans, and I believe there are ways to address these issues without endangering public health. We cannot and should not jeopardize the safety of our rug supply on the unproven mechanism of reimportation.

I urge my colleagues to join me in voting YES on the Kingston Amendment.

Mr. BUYER. Mr. Chairman, I am very concerned about a highly controversial provision that allows for commercial importation of prescription drugs from any country, regardless of the safety of their prescription drug supply, and includes no safety mechanisms to protect Americans from potentially harmful drug imports.

My greatest concern is the number of counterfeit, illegal, and unapproved drugs flowing into the United States right now under a system which is closed to prescription drug imports. Today, Customs and Border Protection estimates that 273,000 prescription drug imports enter our country every single day—of which less than one percent are screened before being sent to Americans' homes. A 2003 report by the FDA found that 88 percent of the medicines imported into the United States were unapproved or otherwise illegal.

Mr. Chairman, administration after administration, regardless of the party in control of the White House, has been unable to certify the safety of our prescription drug supply in a market open to prescription drug imports. I strongly oppose prescription drug importation and encourage my colleagues to support the Kingston amendment to strip the appropriations bill of the harmful importation provision.

Mr. PRICE of North Carolina. Mr. Chairman, as we consider H.R. 3161, the FY 2008 Agriculture Appropriations bill, I want to voice my serious concerns about the provision in the bill that would prevent the U.S. Food and Drug Administration, FDA, from protecting U.S. consumers from the import of unsafe pharmaceuticals.

While we have had a de facto policy of allowing the importation of personal use quantities of prescription drugs from Canada, the bill before us would for the first time allow wholesalers and pharmacists to import bulk quantities of prescription drugs from any country, regardless of origin. The resulting increase in unregulated drug imports into this country would be exponential.

Such an increase would almost certainly lead to a rise in the number of counterfeit drugs and drugs shipped without adequate shipping safety precautions, creating serious health risks for patients.

I understand the need, sometimes the desperate need, for less expensive medications.

To a great extent, this need is a function of the failure of our health care system to uniformly provide adequate health care coverage. For some 44 million Americans, the system fails to provide any coverage at all. And the Medicare Part D doughnut hole continues to make medications unaffordable for many seniors.

We clearly must find a way to make health care, including prescription drugs, affordable to more Americans. But reimportation on this scale is simply the wrong prescription for what ails us.

Even if we were to focus more narrowly on imports from Canada—and keep in mind that this bill would allow imports from any country—no one should assume that the safety issues would be resolved.

Many American consumers who order prescription drugs from Canadian pharmacies assume those medicines are coming from Canada. However, this is often not the case.

In December 2005, FDA announced the results of an operation to confiscate parcels containing pharmaceuticals from India, Israel, Costa Rica and Vanuatu, 43 percent of which had been ordered from Canadian Internet pharmacies. Of the drugs being promoted as "Canadian," 85 percent actually came from 27 countries around the globe.

In response to the investigation, then Acting FDA Commissioner Andrew C. von Eschenbach said, "These results make clear there are Internet sites that claim to be Canadian that in fact are peddling drugs of dubious origin, safety and efficacy."

This investigation raises serious questions about the form such an importation program would take. Who are the "wholesalers" and "pharmacies" that would be importing in large quantities and how would they be regulated? How would their operations interface with the existing supply chain? How would FDA protect consumers from fraud or drug contamination?

Congress has previously given HHS the authority to permit bulk drug reimportation, but both the Clinton and Bush administrations declined to use this authority because of the intractable safety issues involved.

I simply cannot support tying the hands of the FDA with regard to the importation of prescription drugs when their safety and effectiveness cannot be guaranteed. I urge a yes vote on the Kingston amendment.

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

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

Mr. KINGSTON. 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 NO. 6 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KINGSTON:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture who would require contracts to construct renewable energy systems to be carried out in compliance with the provisions of the Davis-Bacon Act.

The SPEAKER pro tempore. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman I yield myself 45 seconds.

Mr. Chairman, we are at a time right now when people are paying $3.10 for gas, $3.30 a gas. Gas is on the rise, and our options are limited. We are importing 60 percent of our oil.

It is ironic that on an Ag policy where 2 percent of the population is feeding all 100 percent, if we were importing 50 percent of our food, it would be a national security crisis, and yet oil, which is just as important, we are importing 60 percent of it.

During this time when we are in desperate need for alternative energy options, we should not increase the price of making cellulosic ethanol. And yet in the Ag bill, there was a clause that says if you are building an ethanol plant, you have to have prevailing wages, which drives up the cost of the plant and, therefore, drives up the cost of ethanol.

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

Ms. DELAURO. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

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

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to strongly oppose this amendment.

This amendment smacks right at heart of our wage structure, of fair wages and protected wages. Long before Taft-Hartley, before the Wagner Act, this was put on the books in 1931, 76 years ago.

And I might add Davis-Bacon was put on the books by a Republican administration, President Hoover, because at that time it was needed to have wage stabilization. Davis-Bacon is the cornerstone of the wage protection structure in this country that has produced the middle class that has been the backbone of this country. Davis-Bacon prevents underbidding of any contractor coming in on a government contract, low bidding and attempting to bring in a contract and hire workers below the prevailing wage. It is most important. And I might say, Mr. Chairman, this amendment was dealt with in the Agriculture Committee and soundly defeated at that time.

Essentially, what they are proposing is this: In the Ag bill, we have dedicated $4 billion for loan guarantees to set up ethanol plants. Now, Mr. Chairman, these are highly sophisticated operations. In order to come in and to be able to have the opportunity to be able to process an Internet technology, a foreign operation and a product that is clearly into the future, clearly we need the best talent, the best skills. We don't need not to protect the prevailing wage in this community.

Now, my opponents are going to come and say they are probably talking about union wages. Nothing in here says that. It says prevailing wages, prevailing wages that are set by a scientific survey that goes in and takes a survey of the wages in that local community. Why should the government be an instrument to come in and undermine a local community's labor standards? That is what Davis-Bacon was put in to protect, and that is why this is so important here today.

We need not be a thief coming in to take away from a local community what they have earned and their wage standards at their level. Why should the government come in and allow for this to happen? These protections were put in to prevent fly-by-night operations from coming into a community. Because so many government contracts are to the lower bidder and sometimes they bid low so they can go out and pay these low wages that are below the prevailing wage in that community. It is wrong to do that and, quite honestly, unAmerican. Because this law, Davis-Bacon, has been on the books for 75 years and has done this country good, and we deserve to keep it in.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I listened attentively to the other gentleman from Georgia, who spoke with such confidence and authority on the Davis-Bacon wage scale. I may be the only Member of Congress, I know of no others, who has earned Davis-Bacon wages and paid Davis-Bacon wages, and I have lived underneath that for over 30 years, 28 years writing paychecks, over 14 consecutive months meeting payroll. I know what this does.

But I can tell you the history of it also goes back to an Iowan, an Iowan President, as the gentleman said, Herbert Hoover.

But this is the last remaining Jim Crow law on the books that I know of. It was designed to keep blacks out of the construction trade in New York. And I would ask the gentleman from Georgia to join me in helping to start the repeal of this process because this is the aspect of freedom between the employer and the employee.

Prevailing wage by definition, union scale in practice, there is no other way

to analyze this. Union scale is what gets produced when the Department of Labor produces the proposed prevailing wage.

And when you talk about $4 billion set up for cellulosic and its being a highly sophisticated project, yes, it is; and we build these projects without its being union labor sometimes. If they can compete, we do it with union labor. My former crews have done so, and they are highly skilled and highly trained, and they get paid a wage that often is a 12-month-a-year wage, not something for just the hours they are on the job but wages and benefits so they can make a good wage and stay with you year round.

There was over a billion dollars invested in renewable energy in my district last year. There will be over a billion dollars invested this year. We are number one in biodiesel production in America of the 435 districts. We will be number one in ethanol by the end of this year. And there is no way that any other district in the country has a hope of catching up with the Fifth Congressional District of Iowa if you are going to impose Davis-Bacon wage scales on this and burn up at least 20 percent of the capital that will go into this. The cellulosic is experimental, and it is in my neighborhood. We need to invest the dollar as well.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment for a very practical reason. The State of California, which is probably the most populous State in the United States, has done more for cutting energy costs by doing energy conservation and renewable energy. It has built all kinds of plants, all kinds of opportunities for renewable energy. It has reduced the per capita energy use in the United States to the lowest per capita in the country, doing the best job. And every one of those facilities was built under Davis-Bacon law.

It is not a problem. We have built every courthouse, every schoolhouse, every road, every capital in this country. It has been on the books for a long, long time. And this is just a get at labor, get at people, try to cut wages, go to the lowest cost. Essentially, it increases all kinds of imported labor.

This is the wrong way to do it. It is a mean amendment, and it should be defeated.

Mr. KINGSTON. Mr. Chairman, I yield myself 1¼ minutes.

I wanted to say what we are talking about here is if a business goes and gets a loan, then the government, because it is a government loan, turns around then and basically dictates what they have to pay, and what they have to pay is a higher wage than it is in most communities. Otherwise, the Democrats would not be putting it in here. If this was about free enterprise, this clause would not be in the farm bill.

And my biggest gripe is that it is making energy costs go up because it is making the construction of alternative energy facilities higher. As Mr. KING says, it is about a 20 percent bump in the cost of construction of a cellulosic ethanol plant. That's why I think it is a concern.

Who is going to pay for this? The consumers at the pump. And, in the meantime, there might be fewer alternatives.

In Georgia right now my good friend, Mr. SCOTT, knows we have three ethanol plants on the books, another two coming, and potentially 70 to 80 that will be built in the next 2 to 3 years. Now those are not all cellulosic ethanol plants, but why should we increase the cost of those?

I am excited about this because it does represent a new avenue in alternative fuels, and I don't think we should make anything increase the cost of that.

Ms. DELAURO. Mr. Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman for yielding.

I had to come back to respond to Mr. KING's assertion that Davis-Bacon was put in for some reason to prevent black workers from working.

I went back to the point of the law so I could make sure I could clarify that. This is what the law says: Adopted in 1931 by President Hoover as an emergency measure intended to help stabilize the construction industry and to encourage employment at fair wages, not less than those prevailing in the locality of the construction work and not to keep black people from working.

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Mr. KINGSTON. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from Georgia controls 1 minute. The gentlewoman from Connecticut has 45 seconds.

Mr. KINGSTON. I yield the remainder of my time to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Georgia.

It's interesting to me how the components of history don't match up the same from what I read and what the other gentleman from Georgia (Mr. SCOTT) reads. And I've read through a fair amount of this history.

But the foundation of the Davis-Bacon wage scale went back to a Federal building contract that was awarded on low bid in New York City. And there was a contractor that brought in labor from Alabama, and it was African American labor from Alabama because they would work cheaper than the union labor in New York City. That's an historical fact.

This is a Jim Crow law. And I would appreciate it if the gentleman would join me in repealing it from the books. But it's a practical application today. It's 8–35 percent more money when you go Davis-Bacon wage scale. I average it out to 20 percent.

My company, that I sold to my oldest son, has done work on these sites, and we know the costs and we know the skills that are there. And we're developing the skills within our region and our neighborhood because we keep those people 12 months out of the year. They don't always go in and out of the union hall; if they can compete, they do. But we need to develop the skills and intellectual property. We need to develop our fuel so that we aren't importing oil from the Middle East.

I urge adoption of this amendment.

Ms. DELAURO. I urge my colleagues to oppose this amendment. Why? Why would we want to deny American workers, including those involved in rural development, the opportunity to receive fair prevailing wage protection? It's a matter of fairness for working men and women.

This is a program that is 75 years old, started by a Republican Congress in a Republican administration. The amendment attempts to undo what the House farm bill passed last week.

Mr. Chairman, Davis-Bacon prevents our workers from being exploited, and it encourages high-quality work. Again, I urge the rejection of this 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 Georgia (Mr. KINGSTON).

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

Mr. KINGSTON. 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 NO. 7 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–290.

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 No. 7 offered by Mr. JORDAN of Ohio:

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

SEC. ____. 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 5.5 percent.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, Members of the House, government spends too much money. Ask any American family, is government so lean, so efficient, has it tightened its belt so much that it just can't cut anymore, it has to spend what this bill purports to spend and wants to spend? And if you ask a typical American family that, you're going to get an overwhelmingly, No, government is too big; it spends too much.

And if you don't believe the American people and American families, look at the numbers. We have a $3 trillion budget we're dealing with here. We have an $8 trillion national debt. The government spends $23,000 per American household. We have an entitlement crisis that everybody knows is going to happen here in the next 10 to 15 years when you think about what we face in Medicare, Medicaid, and Social Security. And then this bill grows, over last year's spending level, 2½ times the rate of inflation, 5.9 percent increase over last year, $1 billion increase in spending over what we did last year.

My amendment is real simple. Frankly, it's the same amendment I've offered, now this is the ninth time. All non-defense related appropriations bills we have offered this amendment to, and the amendment is real simple. It says we're not going to cut anything; we're just going to spend what we spent last year. A pretty modest first step in beginning to get a handle on the spending that is out of control with the Federal Government.

Because one thing I know for certain, I've said this several times, but it's so true in my time in public life. We always hear about tax and spend politicians. The truth is, it's spend and tax. Spending always drives the equation. More and more spending inevitably leads to higher taxes and more taxes. In fact, we've seen that from this body over the last several weeks, tax increases on American families, American business owners, tax increases that hurt those families, hurt our businesses, and ultimately hurt our economy.

This is a simple amendment which says, let's spend what we spent last year; after all, all kinds of families, all kinds of taxpayers, all kinds of business owners have had to do that time and time again. It's not too much to ask the Federal Government that has a $3 trillion budget, an $8 trillion debt, and spends $23,000 per household, it is not too much to ask the Federal Government to do the same thing.

And with that, Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

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

Ms. DELAURO. I rise in strong opposition to the gentleman's amendment, which would cut all of the agencies and programs in the bill by 5.5 percent to stay at the 2007 level.

This would represent a cut of more than $1 billion from the bill. Now is exactly the wrong time to cut funding for the critical programs under this bill. It is not the way to restore fiscal discipline and balance the budget.

Rather than using targeted precision cuts, as we have done with the bill, an across-the-board cut hurts core programs, increases the investment deficits our communities across the country have had to overcome in the past years, regardless of the value of the program. We face investment deficits in fundamental programs, rural and economic development, nutrition, international food assistance, agriculture exports, conservation, food and drug safety.

I mentioned in my opening remarks that the fiscal year 2008 mark provides total discretionary resources of $18.8 billion, $1 billion above 2007, $982 million above the budget request. These are modest increases, but critical to provide basic services to rural communities to feed those in need and support conservation efforts. And 95 percent of the increase in this bill is used precisely to restore these programs.

If we cut $1 billion from the bill, as the gentleman is proposing, this is what would happen: we would not be able to fund these efforts in rural development. Direct loans for the section 515 Rural Multi-Family Rental Housing Program; section 502 directs single family housing programs; broadband grants, the Community Connect Broadband Program; Empowerment Zone; Enterprise Community Program; Community Facility Grant Program; Rural Business Enterprise and Opportunity Grants Program. We would have to significantly cut funding for water and waste grants, mutual self-help housing grant programs, farm labor housing loans and grants. In conservation, we will eliminate funding for the Watershed Flood Prevention Operation.

Watershed surveys and planning. Cut funding for the Watershed Rehabilitation Program, Grazing Lands Conservation Initiative, and the Resources Conservation and Development Program.

Nutrition. Without $1 billion, we may not be able to restore funding for the Commodities Supplemental Food Program. We may have to cut WIC administrative grants to States.

The increases needed and provided in this bill are not based on the belief that we should just throw money at the challenges that we face. The modest increases are about meeting the Federal Government's obligation.

I oppose the gentleman's amendment.

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

Mr. JORDAN of Ohio. I appreciate the Chair of the subcommittee and her work. But, frankly, the other side has got to get a new playbook. Every time we do this, they talk about devastating cuts and how it's going to ruin this, the sky is going to fall, the world is going to end, everything's going to go to, you know. They always use that. It's not even a cut. We're going to spend what we spent last year.

And just let me ask the question of the American people: Do you think, instead of spending $18.8 billion, do you think government can get along with spending $17.7 billion? We made it last year on that; didn't seem to be too much to ask before. We always hear it is a devastating cut when it's not even a cut.

Mr. Chairman, could I inquire as to the amount of time that we have remaining on each side.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

Mr. JORDAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. I would just concur that I think what we need to do is to look at core programs. Whether it is at the USDA or at the FDA, the gentleman's amendment would force all of these agencies that cover rural development, and I laid out the programs. Again, if you take a look at the demographics of rural America and their needs, which have to do with water and conservation and transportation and broadband and housing, by the very nature of your amendment, we've cut $1 billion from all those very, very critically important programs that are meeting the needs today of rural America in an effort that they may be able to re-energize and revitalize their communities, put together the kinds of community institutions that will help people in rural America to be able to thrive. They have taken a terrible blow in wages and in globalization. And what you would do with your amendment is just snatch that money from these kinds of efforts.

And I will just say this to you: quite honestly, what we've tried to do is, because the administration, and I'm presuming that this is something that you support along with the administration, is to say to rural America, You're on your own. If you don't have it, forget about it, we're not going to be there to help you. Government has a responsibility, a moral responsibility, to engage when people are facing challenges in their lives.

I believe everyone in this Chamber on both sides of the aisle would concur on what we are seeing happening in rural America and what is happening to the economic stability of this area and of these communities and of these individuals. It's not statistics; it's people. It's people's lives; it's people's abilities to have health care, to take their kids to school, to be able to afford education and transportation costs. Why would you want to take that away?

Why would you want to decimate nutrition programs when 40 percent of children in rural America are dependent upon food stamps? Why would you want to say no to nutrition when one out of eight families with an infant in this Nation is food insecure?

Let me tell you what food insecure means. It means they're hungry. They're hungry in the richest country

in the world; and that is wrong, which is why your amendment really should be defeated, and it makes no sense.

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. JORDAN of Ohio. Before yielding to my friend from Georgia, let me say this: the lady used the term ''take away.'' For the umpteenth time, we're not taking away anything. We want to spend what we spent last year. The reason we don't want to increase spending is because everybody knows, the American people know this, when you increase spending and spend and spend and spend, it leads to tax and tax and tax. And that's what hurts those same families the gentlelady was talking about.

When you take more of their money, money that they could invest in their kids, pay for their kids' education, pay for that vacation they want to take as a family, all kinds of things they want to spend it on, when you take that away from them, that's what really taking away from families is all about. That's what we want to stop.

With that, Mr. Chairman, I yield to the ranking member, my good friend from Georgia (Mr. KINGSTON), for the remainder of our time.

Mr. KINGSTON. I thank the gentleman from Ohio for yielding.

I want to say that I support this for two reasons. Number one, this bill will be vetoed by the President should it make it through the United States Senate, which is doubtful to begin with, but that's nothing we can control over here. But we know the President has sent out a veto message that the spending level is too high.

We have debated this in committee before. I offered a similar amendment that failed. But I think we need to be realistic. The bill that we're spending tonight is not realistic.

Number two, I want to point out something. This is actually not a 5.5 percent cut because it's not an $18 billion bill. It's really a $90 billion bill. However, because of what I would call negligence on the part of the House, practiced by Republicans and Democrats over the years, we have decided to put about three-quarters of this bill on automatic spending. We call it mandatory. Now, nothing is mandatory when you make the laws. Nothing is mandatory. So it's kind of lazy. It's just sort of ''spend as is.''

And my friend from Connecticut has said that the gentleman from Ohio's amendment would actually take the nutrition and food programs away from children, yet most of them fall into this red category, which isn't even touched by his amendment.

His amendment is actually very conservative. It only affects about the $18 billion portion of this bill. And again, that's not where most of these food programs are, these critical programs. Now, I'm a believer that we should be debating both the red and the yellow portions of this bill and look at it realistically because this is a $90 billion bill, and the 5.5 percent only affects $18 billion.

And with that, I want to say that's why I think that it is important for us to always look into the authorizing side of a spending bill and the discretionary side.

I do support the amendment. And we have had this amendment, a similar amendment, in committee already. My friends on the committee have known my position on this.

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.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the Auburn University for the Catfish Pathogen Genomic Project, Auburn, AL.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for ''Agricultural Research Service—Salaries and Expenses'' is hereby reduced by $878,046.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, it's my intent to offer a number of earmark limitation amendments to the FY 2008 Agriculture appropriation bill.

In offering these earmark limitation amendments, I hope that my colleagues will join me in finally grabbing the reins on runaway earmark spending, and if you will pardon the pun, plant the seed of fiscal discipline in the appropriation process.

In its present form, this bill is under veto threat because it jumps the rails of the President's plan to have a balanced budget by 2012 by close to $1 billion. Part of the $1 billion increase in spending over last year's levels is caused by over 400 earmarks in the bill worth over $300 million that direct taxpayer dollars to congressionally selected projects.

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As my colleagues have heard me say a few too many times, I am sure, passing appropriation bills that contain hundreds of earmarks worth millions of dollars that are simply noted by phrases in the committee report shortchanges the legislative process of authorization, appropriation and oversight. The earmarking process is fraught with a lack of transparency, fiscal responsibility and equity for taxpayers, all too often rewarding the districts of powerful Members of Congress in the Appropriations Committee at the expense of the rest of the body.

Let me just note that, according to a review of the bill in a report by Taxpayers for Common Sense, members of the Agriculture Appropriations Subcommittee and party leadership, who make up 5 percent of the House, will take home one-third of the dollar value of agricultural earmarks, nearly $100 million.

If you assume that earmarks with multiple sponsors are shared equally, members of the Agriculture Appropriations Subcommittee and party leadership will send an average of about 4 million earmarked dollars back to their districts.

In contrast, if you look at the remaining earmarked funds and distribute them evenly over the remaining 400-plus House districts, at best they would value slightly less than $500,000. As I have said repeatedly, we are creating winners and losers here.

I'm usually referring to industries that are refunded by the earmarks. But it is true also here in Congress, if you are a seasoned Member in a position of influence, you typically get a lot more. It is simply not right for all the high-minded purpose we give to the contemporary practice of earmarks, talking about Article 1 of the Constitution and the authority it gives us, to then turn around and the leadership and the members of the Appropriations Subcommittee that control the bill get so much more than anyone else. It hardly seems fair. It hardly seems right.

In particular, this amendment would prohibit $878,046 in Federal funds from being used for catfish genome research in Auburn, Alabama, and would reduce the cost of the bill by a commensurate amount. I think that this is definitely one earmark that the taxpayers would love to throw back.

According to the earmark description in the certification letter, the funding would go to Auburn University ''to help continue important research into the genomic behavior of catfish in order to resist and cope with virulent disease strains.'' It appears to me that the earmark is intended to make a genetic map of catfish.

Mr. Chairman, there are so many earmarks in this bill related to genetic research, I feel I am on some kind of farm-based CSI episode. Unfortunately, this isn't a creative drama. This spending is far too real. This seems to be a perennial earmark. It has received over

$1 million in the last 3 fiscal years alone.

Where is the Federal nexus here? Why are we funding catfish research and not trout research? What about sunfish out there? Don't they deserve something? How do we choose here? How do we choose which university gets the funding? It is simply an arbitrary process based on your position on a committee or in the Congress.

Mr. Chairman, that seems wrong to me.

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

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition.

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

Mr. ROGERS of Alabama. Mr. Chairman, I would like to first start by yielding 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, every year, the administration has castigated the Congress for funding these items. In fiscal year 2007, in the continuing resolution, we left the decision up to the administration. In order to decide what to do, the administration conducted an extensive review of all of the ''earmarks'' in the Agriculture Research Service account. Do you know what? They decided that the vast, overwhelming proportion of the earmarks were worth funding. This one on catfish genomics was approved by the administration. It may have a funny name, but it makes a good sound bite.

I am sure that the members of each party that requested this funding can tell the House a lot about the importance of the catfish industry to their State and the economic losses from the disease in a very serious way.

We also have recently witnessed what is happening with imported product in terms of catfish from China and, in fact, what that has done to that market in these communities.

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

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Arizona for bringing attention to this vitally important research being conducted at Auburn University, an outstanding university in my district.

As my colleagues from Alabama know, and specifically my friend and colleague, Mr. DAVIS from the Seventh District, Auburn University is the home to USDA Aquatic Animal Health Research Laboratory. This laboratory conducts important research to help solve challenges in aquaculture that diminish productivity, lower the quality of catfish products, and hurt the long-term health of our domestic producers.

As my colleagues on the Agriculture Committee know, catfish is the leading aquaculture industry in the United States. In 2005, according to USDA, domestic producers sold 650 million pounds of catfish valued at $460 million. That total is only expected to grow. Today, catfish production has become one of the most important agricultural activities in States such as Mississippi, Arkansas, Louisiana and, of course, my home State of Alabama.

In recent years, the American catfish industry has been faced with intense competition from foreign producers, specifically countries like China and Vietnam. This not only poses serious challenges to our economy but, as we have seen in recent news reports about tainted Chinese food products, also to our health. In 2005, Alabama, Louisiana and Mississippi banned Vietnamese catfish after U.S. health officials detected a banned antibiotic in Vietnamese imports. That ban remains in effect. In May of this year, Alabama banned Chinese catfish over the same concern.

As with many agricultural imports, we have no control over what drugs these foreign countries are giving to their catfish, nor do we know what diseases they are trying to prevent. But one thing we do know is that we do not want these products, these diseases and those threats to our food and our health in our country.

That is why the funding included in this bill for the Catfish Pathogen Genomic Project is so important. It helps protect the safety and health of our food supply, it helps protect and strengthen important American products and an industry critical to the economics of several States, and it helps carry on the tradition of university based research supported by the Federal Government that benefits our economy and society.

Mr. Chairman, I strongly oppose the gentleman's amendment and ask the support of my colleagues for this important research program.

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

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 1 minute. The gentleman from Alabama has 90 seconds.

Mr. FLAKE. Let me just say there is over at the Department of Agriculture something called the Agricultural Research Service, or ARS, account, and it is being funded at over $1 billion for fiscal year 2008. Now, we may not like the programs they choose to fund. If we don't like it and we don't think they have a good process, we should exercise the oversight that we are supposed to exercise and change it. But to circumvent that process and say because you may not have given us a grant in one particular year then we are simply going to go around you and earmark, that simply seems wrong.

We are getting away from the authorization, appropriation, oversight program and process that has been the hallmark of this Congress forever. With earmarking, the contemporary process of earmarking, we are circumventing that and we do very little oversight of the Federal agencies, because we are seeking to compete with them.

We set up a program over there and we say you have a merit-based program, a competitive grant program, and then, when they don't choose what we want to, we circumvent it.

Mr. ROGERS of Alabama. Mr. Chairman, I yield 1 minute to my friend and colleague from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I just want to stand in defense of the subcommittee and its work. We tried to be as responsive to members on this committee as possible, given that many members of the committee do not understand the specific details of every congressional district. But this is what Congressman ARTUR DAVIS had to say:

''Auburn University is seeking funding to continue research on endemic and emerging pathogens of catfish. Because the prevalence of catfish diseases constitutes $90–100 million in annual losses for catfish farmers, it is important to prevent these diseases to ensure a healthy national food supply and a successful economic development activity. This funding will allow Auburn University to conduct outreach to farmers and ensure that these vaccines make it into the field to protect the food supply of the American people. Earlier research from this project has already led to the commercialization of two vaccines that are now helping in the reduction of these disease losses.''

Mr. Chairman, I want to thank Mr. ROGERS, and I also want to thank Congressman ARTUR DAVIS for looking out for the interests of this vital industry in their State. The committee did its work and honored their request. We should vote down the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to close by saying to my friend from Arizona, I share his concerns over some of our fiscal behavior in this Congress in recent years, but clearly this kind of USDA research university partnership is exactly what we should be fostering, given our concerns in this country about our food supply and its safety.

Mr. JACKSON did make reference to the fact that, in 2003, half of our catfish production was being affected by two diseases that this partnership has now alleviated. We can continue to ensure that supply is safe with this kind of expenditure.

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 NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110–290.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to Cornell University for Grape Genetics research, Geneva, NY.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for ''Agricultural Research Service—Salaries and Expenses'' is hereby reduced by $628,843.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would eliminate $628,843 for the Grape Genetics Program at Cornell University and reduce the cost of the bill by a corresponding amount.

Mr. Chairman, it would seem that Congress is a one-stop shop for the wine industry. There is in this bill here $628,843 earmarked for the Grape Genetics Program, as mentioned, in addition to a $2.6 million earmark to actually construct the Center for Grape Genetics.

The earmark description in the certification letter submitted to the committee by the sponsor of the earmark informs us that this earmark would fund a full-time grape geneticist at the Grape Genetics Research Unit and support the viability of the grape and wine industry.

Now, according to some, the wine industry faces a growing demand for new technologies and varieties in order to be a player in the global marketplace. I don't doubt that at all. I don't deny that research and development is important to the wine and grape industry. I simply question why the Federal Government is expected to foot the bill for a private industry.

According to recent reports, direct sales of wine to consumers are up 30 percent this year. Let me repeat that. Direct sales of wine to consumers are up 30 percent this year.

According to a study unveiled by the Congressional Wine Caucus earlier this year, the U.S. wine, grape and grape products industry contributes more than $160 billion annually to the U.S. economy, $160 billion annually.

This study indicated that the industry supports more than 1 million full-time equivalent positions and that there are more than 900,000 grape-bearing acres in the U.S. In addition, according to the 2006 report by the USDA, New York has 239 wineries currently, as opposed to 17 in 1976. I would submit that this looks like an industry that is thriving.

If the Federal Government is going to support genetic research for one industry, why doesn't the Federal Government provide support for all of them? What mechanism is there to stop Congress from funding mold research on gourmet cheese, or soil research for truffle farming? Where does it stop? Where is the Federal nexus here? Why do we continue to fund these profitable industries?

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

Mr. WALSH of New York. Mr. Chairman, I claim the time in opposition.

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

Mr. WALSH of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I thank the gentleman for offering this amendment because, if nothing else, it points out the essentially beneficial nature of public-private partnerships. Just as the Federal Government paid for the marvelous water projects in the West which helped Mr. FLAKE's State to grow and prosper, these research dollars have made the United States the global power in agriculture.

The Agriculture Research Service established the Grape Genetics Research Unit in Geneva, New York, at the center of New York's grape-growing region in conjunction with Cornell University.

□ 2030

The goals of this program are to reduce losses to crop yield and quality that result from disease, pests and environmental stress, and to improve grape and grape product quality and utilization.

The genetic research unit's primary research areas are development of resistance to pests and diseases, superior adaptation of grapes to growing conditions and tolerances for environmental and weather-related stress, and improved product quality through enhanced knowledge of genetic factors governing color, flavor, aroma, sensory characteristics and yield.

The grape genetics research unit works with growers both in New York and nationally to develop root stocks and grape varieties that are pest and disease resistant.

The explosive growth that my friend from Arizona mentioned is a direct result of the research that is being done here and elsewhere in the United States thanks to the support of the American taxpayer. The plant genetic research unit in Geneva works very closely with farmers in all parts of the country. In fact, 1,200 varieties of grapes are growing at the Geneva ag station today.

Nationally, it is a $30 billion industry, the wine industry. There are 23,000 growers; 5,000 wineries; and in New York State, it is a $7 billion industry. This industry is paying back to the Federal Government, the State and communities $17 billion in taxes.

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

Mr. FLAKE. Mr. Chairman, let me just say, nobody questions the validity or the importance of research. Every industry needs to do it, and do a lot of it. But we have a lot of high-tech industries that are vital to this country. Why aren't we funding a company like Intel, for example, for issues related to testing of circuit boards? That is important. They face international competition.

Why do we say all right here, only we are going to fund grape research? Also, when we have a program over at the Department of Agriculture that we fund to the tune of a billion dollars this year to actually provide grants in this area, and still it is not enough. Still we say we have to earmark funds to go around that process. It seems like overkill, and I think the taxpayer deserves a break here at some point.

Mr. WALSH of New York. Mr. Chairman, I yield 1½ minutes to my friend and colleague from Utica, New York, in whose district Geneva resides, Mr. ARCURI.

Mr. ARCURI. I thank my colleague from New York, and I thank the distinguished chairwoman from Connecticut.

Mr. Chairman, I have only been here for 7 months, but in that short time it has become overwhelmingly clear to me that some of my colleagues are more concerned with establishing a reputation than addressing the needs of the American people.

Over and over, some of these colleagues from the other side of the aisle march down to the floor and take aim at appropriations projects that they feel aren't worthy of Federal support, as if people at one end of the country know what is important for people on the other end of the country.

I hear them talk about these earmarks and try to demonize them, talk about them being hidden and going to powerful Members of Congress. Well, there is nothing hidden about this. It is very clear what this project is. And as for powerful Members of Congress, I would like to be impressed, but I know as a freshman I am certainly not a powerful Member of Congress.

There are no winners or losers here. They talk about winners or losers here. The only winners are the American people. This program is for the American people. It is to ensure that our grapes and our wines that are so important to so many people in this country continue to be high quality and the kind of quality that makes America competitive.

The benefit of this project is not limited to my congressional district, but to people all over the country. Mr. Chairman, it is not about making a point or establishing a reputation; it is about conducting important research

that protects the safety of our food supply, helps our domestic economy and the grape industry.

Mr. FLAKE. Mr. Chairman, let me just say to close, again, research is important in every industry, but there are industries all over the country in agriculture, in high tech, in storage, in transportation, you name it. It is going on all over, and not everyone is looking to the Federal Government to pay their research costs.

Why here? Why do we have an organization that gets earmarks virtually every year for the same thing over and over and over again? When does the taxpayer get a break? When is this industry weaned?

We just had a farm bill pass last week with subsidies going on and on and on. Here are more agricultural subsidies. I don't know where it stops, particularly with the deficit we have, the ongoing debt that we carry. It is time to give the taxpayers a break. I urge adoption of the amendment.

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

Mr. WALSH of New York. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to my dear friend and colleague for providing me with this time to say a couple of things in opposition to this amendment. I think the person who is proposing this amendment simply does not understand what is being done here.

The agricultural industry is a very important part of the economy of New York State, one of the most essential parts of the economy of New York State. The grape industry is an important part of the agricultural industry. This Grape Genetics Research Center, which has been established as a result of legislation which was put forward by Mr. WALSH and myself and others in 2005, is an important part of the way grape production is advancing in the United States and becoming a more important part of American agriculture. It is providing jobs for our citizens, and it is providing more and more economic growth in a number of parts of our country all across our country.

It enables grape growers to deal with the cold winters in the Northeast and enables grape growers to deal with the arid circumstances that they confront in certain parts of southern California and the other forms of diverse issues that need to be dealt with by grape growers in many places across the country.

This means of searching into this industry and providing better ways of doing it is an important part in the way in which we are protecting and growing our agricultural economy.

I would hope that the offeror of this amendment would spend a few moments to look more closely at these circumstances, because I think if he does, he might begin to understand the value of agriculture and the value of this kind of genetics research.

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 NO. 10 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110–290.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Alternative Uses for Tobacco, Maryland grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for ''Cooperative State Research, Education, and Extension Service—Research and Education Activities'' (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $400,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $400,000 in Federal funds from being used for alternative uses for tobacco in Maryland and reduces the cost of the bill by a consistent amount.

I would suggest to my colleagues that we can find some better alternative uses for the taxpayers' money, like paying down the national debt, for example.

In fact, just yesterday, Treasury Secretary Paulson predicted that the Treasury will reach the nearly $9 trillion statutory debt limit in early October. I would argue that this is a sign that we need to spend less on appropriation bills just like this one.

The certification letter submitted to the Appropriations Committee stated that the funding will go to the University of Maryland College of Agriculture and Natural Resources for the Alternative Uses of Tobacco Research Project.

The funding for this earmark is through the Cooperative State Research, Education, and Extension Service Special Research Grants account, which are congressionally directed and noncompetitive research earmarks.

The Alternative Uses of Tobacco Research Project is focused on finding new, nonsmoking uses for tobacco, such as pharmaceutical or biotechnology applications.

I am not denying that there aren't potential benefits for this research for the tobacco industry, for pharmaceutical industry, or for other biotechnology industries, but how long is the taxpayer going to be expected to fund specific research for the benefit of these industries?

This is not a new earmark. In fact, the project has received earmarks of between $320,000 and $400,000 each year since fiscal year 2002. Including this earmark, the University of Maryland will have received over $2 million in Federal earmarks for their alternative use project.

Why are we singling out this program and this school and earmarking funds for it year after year after year? What makes this program at the University of Maryland more deserving than Federal funds at other schools or organizations in Virginia, Tennessee, Arizona, California or elsewhere around the country? There are many other earmark projects that we are funding at the University of Maryland as well.

According to research done by Citizens Against Government Waste, from 2001 to 2006, the University of Maryland received just under $17 million in Federal earmarks. I think it is interesting to note in 2006 the University of Maryland paid lobbying firms more than $200,000 for various lobbying activities. Are these lobbyists lobbying Congress for additional earmarks?

When do we say enough is enough? When the smoke clears, the taxpayers are still being asked to fund tobacco research.

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

Mr. HOYER. Mr. Chairman, I claim the time in opposition.

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

Mr. HOYER. My friend from Arizona is having a good time. I don't blame him, but this is something that is good for the country. It is good for literally millions of people who have grown tobacco.

Let me say to my friend from Arizona: A, I don't smoke; B, I have never smoked. And when redistricting occurred and I got most of the tobacco-growing areas of Maryland, I went down and met with the Farm Bureau. I said, Look, I'm new to you. You don't know me. Actually, they did know me because I had been in office for some time. But I said, I want to tell you something right out front; I think smoking is bad for people's health, and I am not for it.

About eight of the 10 to 15 tobacco farmers that were there said to me after the meeting, they came up to me and said, You know what, we don't smoke and we don't want our kids to smoke.

That aside, Maryland has had one of the most successful tobacco buyout programs in America. In my district, the tobacco-growing area of Maryland, 90-plus percent, almost 95 percent of

the farmers have taken the buyout, which means they can no longer ever on the property they own have tobacco grown for the purposes of smoking tobacco.

There were literally, as you can imagine, hundreds, and across the country there are thousands and thousands of farmers so situated, families who have been involved in this process for most of their lives and who produce a product, used alternatively, can have extraordinary value. But the problem is the research has not been done on it. Why has it not been done on it? Because the tobacco product was a very valuable product for a bad purpose; that is, smoking. Harmful to health and a destroyer of life.

Very frankly, some of the Farm Bureau came to me and said, Do you think we can find an alternative use, because we have a lot of expertise in growing this product, and we have facilities to do so. We think it can have some beneficial effect. My good friend said he thought that was the case. He is correct. There are a lot of good things in life that can happen, and his proposition is why this money, why here?

Well, because I represent my district. But I also believe this has national implications that if we can get a product from tobacco that is useful, and I want to discuss some of them, that will be good for our country, good for our economy, good for jobs, and good for people who have been displaced from the very lucrative but harmful vocation and who are now put to perhaps not having nearly the livelihood they expected to have.

The amendment seeks to eliminate funding for an important research project being undertaken at the University of Maryland. One of America's extraordinary research institutions, a land grant college established in the mid part of the 19th century, it seeks to develop safe and beneficial nonsmoking uses for tobacco.

The Alternative Uses of Tobacco Project has several very important objectives. First, we are seeking to take advantage of the many beneficial nonsmoking uses of tobacco. Most people would not think of the tobacco plant as having a use beyond smoking. They would be wrong. I didn't know that either, frankly.

Tobacco naturally produces high-nutrition proteins, one of the highest of any product, industrial raw materials and large amounts of biomass which can be used for renewable energy. Think of it. We talk about corn, we talk about other things, and we want to talk about cellulosic to produce energy. We just passed a farm bill seeking to do that. Think if all of the tobacco farms in America could be turned into energy producers, an extraordinarily positive contribution to the economy of our country.

□ 2045

Secondly, we're trying to revitalize tobacco-producing communities across the southeastern United States by shifting their focus away from the traditional use of the crop and generating new markets and new industries for beneficial new nonsmoking purposes.

Unlike Maryland, the Federal buyout, as you know, didn't eliminate the growing of tobacco; and in many States that have buyout programs they didn't eliminate the use of tobacco for smoking purposes. Maryland did. So that if we could give alternative uses for a product and get it out of the sale of use for smoking products, what a health benefit that would be for America.

So I suggest that this $400,000 is an extraordinarily good investment in health care, in the economy for our people.

Third, we are attempting to develop new technologies for producing leaf proteins. Leaf proteins are as nutritious as milk protein, but, unlike other protein sources, they are generally nonallergenic. Tobacco may be the largest producer of leaf proteins of any agricultural crop, but its historically inadequate processing technologies have limited their development.

Now, let me tell you something. The tobacco companies do not grow tobacco. They sell cigarettes. So they do not have an incentive to do this. The people who have an incentive to do it are the tobacco farmers, but, guess what, the tobacco farmers don't have a lot of money. It's the tobacco companies that have a lot of money.

So the tobacco companies rely on, I'm sure in your State as they do in mine, land grant institutions who have focused on agricultural research, as does the University of Maryland, as does the Beltsville Agricultural Research Center.

So I have some other things to say, but I think you get the point.

Mr. FLAKE is a friend of mine. I have great respect for Mr. FLAKE. Not only that, I think he offers his amendments in a very positive way. I've never seen him get mad at anybody. I've never seen him criticize anybody. I've never seen him say a cross word to anybody. He sets forth what is a correct proposition, that, look, we could save a lot of money by not having any of these earmarks and we wouldn't do this research or maybe the State could do it or maybe somehow the farmers could get together in a cooperative and do it. But they haven't done it and the Federal Government has historically invested in long-term progress.

Now, very frankly, the best example is the space program. The space program has made an extraordinary contribution in the creation of jobs outside of the space program, and agricultural research colleges have done the same for farming and feeding the world. We honored with a gold medal a university professor who fed the world, billions.

So I ask my friends, this is $400,000. We will spend $400,000 in Baghdad in the next hour or so. I don't know what the Citizens Against Government Waste think of that, and I frankly don't think they think of this particular item. I understand that. They think generally we ought to stop wasting government money. I agree absolutely.

And if you think research in a product to turn it to pharmaceutical use, if you think that research in a product to turn it to better energy production, if you think research in a product that may be available to give us better protein production, then I think, my friends, Mr. OBEY has said, we get the point. So I say this, and I'm laughing, this is a serious investment in good things for all people.

I hope that, notwithstanding the fact that he is my friend, that you will reject the gentleman's amendment, and I thank you for the time.

Mr. FLAKE. Mr. Chairman, I have great respect for the gentleman from Maryland, and I appreciate the tone which this debate has been conducted in.

I heard some new things here that I didn't know before. This was a Maryland-initiated buyout for the tobacco industry, a buyout which limited the uses of tobacco afterwards. That's great. It should probably be the State of Maryland that funds this kind of research then, instead of the Federal Government.

Another thing I heard that I hadn't heard before is I guess we are moving toward tobacco-based ethanol or something of some such. My old car smokes enough, thank you. I'm not sure that's the way to go, but, in any event, there are limits to what you can do. The truth is you can make ethanol out of an old boot if you expend enough energy doing it, but it doesn't mean that we ought to fund research again and again, over and over and over. There are limits to what the taxpayer ought to do.

And let me just say, given that, I mean, we imposed another tax on tobacco just a day ago, and I think there are plenty of incentives there within the industry, be it the growing side or be it on the marketing side or whatever, to find alternative uses for tobacco. I think it ought to be left with them and not the Federal taxpayer.

Mr. Chairman, I yield back my time.

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 NO. 11 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–290.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Ruminant Nutrition Consortium (MT, ND, SD, WY) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for ''Cooperative State Research, Education, and Extension Service—Research and Education Activities'' (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $489,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise to prohibit funding for an earmark for the Ruminant Nutrition Consortium. This earmark would provide $489,000 for ruminant livestock production research, rangeland integration and other livestock resources.

A press release issued from this earmark in a previous year described it as an effort in the northern plains to further develop beef, dairy and sheep finish-feeding, which may lead to more jobs and more value-added agriculture.

Mr. Chairman, I know a little about cattle nutrition. I spent a lot of years on a ranch and a farm; and, in fact, I spent years on what we call bloat watch, where we'd sit at the edge of a field and have to watch while cattle, being the type of ruminant digestive system that they have, might bloat. And you'd have to run and stab the left side and hopefully relieve the suffering and relieve the certain death that comes.

I think this is an effort to relieve a little bloat that is here in this Agricultural appropriation bill and certainly in this budget.

There is simply no reason we should continue to fund research like this when we have, as mentioned already many times tonight, we have an account over at the Department of Agriculture that is for this purpose to dispense research dollars based on competition, where there are groups that are out there will compete for grants. We've told the Department of Agriculture to set up that program, and here we're saying it's not good enough. We're going to have that program; and then, in addition, we're going to give what essentially is a sole-source contract, single bidder. One university or one entity will get this earmark grant.

So it's simply not right.

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

Ms. HERSETH SANDLIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from South Dakota is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Chairman, let me say at the outset, the gentleman from Arizona said this is a sole-source contract to one entity and we already have an entity in USDA an agency that would make these grants based on competition.

This is not a sole-source contract. Four universities are involved in the consortium, and it's a competitive-based program.

So my colleague from Arizona's attempting to strike from the bill an extremely modest amount of funding for an outstanding program that's provided tremendous benefits to ranch families in one of the most remote and economically challenged corners of the United States.

The economy of this area of the country, western North and South Dakota and eastern Wyoming and Montana, is probably more dependent on animal agriculture than any other region of the country. It's beautiful rangeland and beautiful country, for that matter, but it isn't suitable to grow much other than grass.

We have dozens of small, rural communities in that area that rely almost completely on the ability of ranchers to raise cattle and sheep and bison; and I consider them to be among the best livestock producers in the country, given the climate they have to contend with as well.

This modest program, again funded at $489,000 in this year's bill, is a model of what we should be trying to fund in our appropriations bills. This program stretches a few dollars a very long way. It targets its efforts on addressing specific needs. The results of the program benefit all regions of the country and its collaborative effort among four highly respected universities: South Dakota State University, North Dakota State University, the University of Wyoming and Montana State University.

By distributing grants through a competitive awards process, let me repeat, the program is competitively awarded, the consortium promotes interstate cooperation and collaboration among ranchers, farmers, scientists and educators. Research addresses subject areas that are identified as needs by producers living in the target region, which means results are directly applicable to those producers; and I'm proud of my efforts to secure funding for this program.

Research funded by this consortium is developing new methods to add value to common grain and forage crops through the use of ruminant livestock, again cattle, sheep and bison. The projects enhance economic return and positively impact the regional environment by integrating rangeland, annual crops, and livestock resources.

Like many, if not all, of my colleagues, I carefully vet the projects for which I request funding to ensure that the program requests that I make are effective, important, valuable projects. I'm proud to put my name on this project and on the handful of other projects that I've supported in this bill. I know my State. I make every effort to know the needs of the farmers and ranchers I represent and ensure that we are spending their tax dollars wisely on programs that get results.

This is one of those programs, and I urge my colleagues to join me in supporting it and rejecting this amendment.

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

Mr. FLAKE. Mr. Chairman, let me just say that the gentlewoman mentioned that this is not a single-source contract or single-bid contract. I have the certification letter. It says I'm requesting funding for South Dakota State University in Brookings, South Dakota, to conduct research into production of environmental aspects of ruminant livestock production, et cetera, et cetera.

What used to be a competitive grant process is no longer with this earmark. We do have a competitive grant process at the Department of Agriculture. Now, this school may choose to have a competitive grant process beyond that, but we're using Federal dollars to give to one university to perhaps disburse among other universities.

If we don't like the process over at the Department of Agriculture, we should end it. We should say we're not going to fund that account anymore, that billion dollars we're giving you is not being disbursed equitably nor wisely. If we believe that, we should tell them. We'd save a lot of money and instead contract with others at the local level and just give it out.

But what we're doing here is we're funding both. We're having a process over there where a billion dollars is handed out competitively with some kind of process, merit-based process, and we're going around that and earmarking funds for specific institutions.

It simply seems wrong.

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

Ms. HERSETH SANDLIN. May I inquire how much time I have remaining?

The CHAIRMAN. The gentlewoman from South Dakota has 2 minutes remaining.

Ms. HERSETH SANDLIN. Mr. Chairman, I will yield the balance of the time to the gentleman from California, but let me just say, he can point to the certification letter, but this is a consortium. There is a lead university, but it's a consortium of four.

With that, I yield the balance of the time to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding.

None of this money comes to my State or the universities in California involved in this consortia, but the State of California and other States, including Mr. FLAKE's own, are very interested in the outcome of this. I will tell you why. Because the rangelands

of America are under great threat; and certainly in those rangelands in the rural areas, you raise cattle and sheep and bison, which we don't raise in our State.

But what this grant does, why you ought to be interested in it, is that they're learning new ways in which to graze. What they're doing is studying the effects of grazing herds of cattle, horses, sheep all together, because they eat different kinds of grass, and if you herd them essentially, move them on, you can preserve and bring back the native grasses, which is what we want to do.

Our cattlemen are very interested in this process, and this is the place to do that study. You get kind of a funny name for some of these things like this Ruminant Nutrition Consortium, but, in fact, it's a grant program. It is competitive, and the benefits of it are I think what keeps America strong. We've got to keep putting money into research dollars.

□ 2100

You know, if this was medical research, you wouldn't be criticizing it, but it's agricultural research, and it sounds funny. But, you know, you didn't take on my earmark, which was about lettuce and germ plasma. That's a pretty funny one, but it's very important if you like lettuce and you want to keep America ahead in the lettuce world.

So striking these few earmarks, by your time, trying to do this, fortunately, I think you are a great Member and you get an A for effort; but you also get A for 100 percent failure in being able to strike earmarks, because these are good earmarks.

Mr. FLAKE. Mr. Chairman, well, I should say I haven't been very successful here. I have noted before I have been beaten like a rented mule here quite a bit. But I must say the majority of Democrats did join me in actually striking an earmark a couple of weeks ago, one Member, and I had the occasion just today of one earmark that I had planned to strike was stricken by the Member himself before I could strike it.

So there are occasions when the Appropriations Committee, for whatever reason, I sympathize with them. They simply don't have the time to vet all of these. I would suggest, when you have 410 earmarks in one bill like this, you simply don't have a lot of time to vet them.

I know a little bit about cattle ranching. As I mentioned, I grew up on a cattle ranch. The gentleman mentioned the process of moving cattle from one cell to another. Actually, we started doing that on the F-Bar some 30 years ago and are still doing it to some extent.

The gentlelady mentioned this is a consortium, four universities, I believe, getting these research dollars, but it's earmarked for that consortium. That consortium could apply to the Department of Agriculture for universities like this. I suppose, cattle have four stomachs, four universities, only makes sense, but they can apply directly to the Department of Agriculture. They don't have to get earmark dollars.

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

Ms. HERSETH SANDLIN. Would the gentleman yield?

Mr. FLAKE. Is the gentlelady out of time?

The CHAIRMAN. The gentlewoman's time has expired.

The gentleman has 30 seconds remaining.

Mr. FLAKE. I yield 15 seconds to the gentlewoman.

Ms. HERSETH SANDLIN. I thank the gentleman.

Mr. Chairman, I too grew up on a farm. I have moved my share of cattle. We still have cattle on that farm, but it's in eastern South Dakota. It's not nearly as remote as the region that we are talking about. There are different types of grasses than the grasses we are talking about.

This is a consortium. I think it's very important we recognize the uniqueness of this particular area of the country.

Mr. FLAKE. I urge adoption of the amendment. We simply cannot afford everything. Let's give the taxpayer a break.

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 NO. 12 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 110–290.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for ''Cooperative State Research, Education, and Extension Service—Research and Education Activities'' (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by $6,371,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $6,371,000 and reduce the cost of the bill by a commensurate amount from being used to research wood utilization.

This is the second year in a row I have stood to address this earmark. It seems that not much has changed in the past year of wood utilization research. The committee provided precisely the same amount of funding last year, $6,371,000, for a variety of projects around the country that frankly seem designed to provide a solution in search of a problem.

This is another example of an earmark that has persisted for years that can only be terminated by Congress. The wood utilization program has received Federal funds since 1985 and has received more than $90 million in appropriations.

The United States is the world's largest producer of lumber and wood products used in residential construction and in commercial wood products such as furniture and containers.

The United States is also a leader in the pulp and paper business, producing about 34 percent of the world's pulp and 29 percent of the world's output in paper and paper board. About 1.3 million people are directly employed in the planning, growing, managing, and harvesting of trees and the production of wood and paper products in all 50 States.

The forest industry ranks among the top 10 manufacturing employers in about 42 States with an annual payroll of about $60 billion. This is an industry that dates back hundreds of years and has shown itself remarkably capable to adapt to change. It obviously continues to thrive today.

I sincerely question why the Federal Government needs to involve itself in a program that educates students about the utility of wood as a renewable resource.

What happened to the free market? What happened to common sense? I think we have had it out there for a while. After 1985, we have been doing this same earmark or this same program for the past several years, or it has been earmarked for the past several years. I would say it's time to reconsider the project.

I think the taxpayers may want to take us to the woodshed themselves for continuing to fund at a price of $6,371,000 this same earmark year after year after year.

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

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, the wood utilization consortium is made up of 10 universities in 10 different States around the country with varying missions.

I am familiar with the program mainly because of the involvement of North Carolina State University. NC State's contribution to the consortium is focused on wood machining and tooling. The programs help develop innovative production methods and use stronger, longer-lasting tools which are allowing U.S. manufacturers to maintain domestic production and compete in the global economy.

Such work is critical to support the U.S. furniture and lumber industries. North Carolina's furniture industry alone is estimated to contribute $10 billion to the economy.

North Carolina State University's contribution to increased manufacturing efficiency and global competitiveness within this major industry represents only a small component of the wood utilization program. Continued funding is a wise national investment.

I urge defeat of the amendment.

Mr. Chairman, I yield 1½ minutes to my colleague from North Carolina, who represents the main campus of North Carolina State University (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank my friend for yielding.

Mr. Chairman, my friend from Arizona has already made a statement why this earmark ought to stay in here. It really is making a difference for the industry, and it's employing people. I rise in strong opposition to this amendment.

The funding for this wood utilization grant helps fund the Wood Machining and Tooling Research Program, as you have just heard. Part of it is really on the campus of NC State University, a land grant university. It has been matched more than dollar for dollar, every Federal dollar by private dollar.

This is not a giveaway program but, rather, one that has been designed to work to make the Southeastern furniture industry more competitive, as you have heard, in the global economy. This research program investigates and solves problems related to manufacturing tools used in the wood machining and manufacturing operations.

Other than Wood Machining and Tooling Research Program, there is no other Federal research program to support U.S. wood manufacturing and tooling companies who are competing with low-wage jobs on the other side of the world with other countries. It is only right to invest in the industries we have remaining in our rural parts of this country when outsourcing these industries overseas has hurt States all across America.

I strongly urge my colleagues to vote against this amendment.

Mr. PRICE of North Carolina. I yield 1 minute to our colleague from Maine (Mr. MICHAUD).

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

Mr. MICHAUD. Mr. Chairman, I want to give just one example why this investment is important to our Nation.

The Module Ballistic Protection System, developed at the University of Maine, is made of light, strong-as-metal wood composite panels that are inserted into tents to protect our soldiers over in Iraq and Afghanistan. This life-saving technology would not have been possible without the initial investment from the wood utilization funding.

In fact, this funding spurred advances in many different industries. It creates jobs and, in some cases, it will save American lives. This funding benefits the entire Nation.

I urge the rejection of the gentleman's amendment.

I rise in strong opposition to the gentleman from Arizona's amendment.

Investment in Wood Utilization Research at these locations including the University of Maine supports education and economic development across our country.

The funding encourages students to pursue careers in advanced wood science and engineering at a time when international competition in these fields is growing. This type of research is important to a growing number of industrial applications and to our national economy.

At U–Maine, every dollar appropriated to the Center generates an additional $7 in economic output. The research has promoted important advances in fields as diverse and important as biofuels and advanced wood composites.

I want to highlight one program in particular that was born from this funding. The Modular Ballistic Protection System, developed at the U–Maine Advanced Engineered Wood Composites Center, is a series of lightweight, strong-as-metal, wood composite panels that are inserted into tents to protect our soldiers from mortars and other incoming fire in Iraq and Afghanistan. This lifesaving technology would not have been possible without the initial investment from the Wood Utilization funding.

I appreciate the gentleman's intent but I believe it is misguided. In offering these kinds of amendments, the gentleman has frequently asked: what is the federal interest?

Well, in this case, it is clear. This is a project with national implications that helps our competitiveness, our industries, and our national defense. It is an investment that the federal government should be making so that America can lead the way in a variety of important R&D fields, create jobs, and in some cases, save American lives.

We do not pick any winners and losers here with this project—in fact, we all win with this research. So I urge the rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from North Carolina has 1½ minutes remaining.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 45 seconds to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I agree with what my colleagues have said previously. I would take it from a slightly different angle. We are concerned about value added to American forest products.

I have watched in the Northwest the development of wood utilization research to deal with plywood and particle wood that are formaldehyde-free. It enables us to be able to provide a superior environmental product, adds greater value, protects the public and competes against foreign products where they are cutting corners. It wouldn't be possible without this type of partnership, from an environmental perspective, from an economic perspective, from a research perspective. I strongly urge rejection and look at that and suggest people look at how the $6 million has been spent in the past.

Mr. PRICE of North Carolina. I thank the gentleman for this most persuasive argument.

Mr. Chairman, I yield 45 seconds to our colleague from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to this amendment.

Research funded by this program has provided blast-proof wood hybrid materials to the Coast Guard and the Army to strengthen their facilities. In fact, some wood composites engineered by the University of Maine and developed by research conducted under this grant program are being used by the Army Corps of Engineers in Iraq, Afghanistan and worldwide.

This funding will allow the University of Maine to continue its strong support of traditional wood products production and enhance the competitiveness of our domestic industry.

I strongly oppose this amendment, and I would add simply that I don't know of any program that spins off more small businesses than this wood composite program at the University of Maine.

Mr. PRICE of North Carolina. Mr. Chairman, we yield back the balance of our time.

Mr. FLAKE. Mr. Chairman, nobody here is questioning the need for research. Every industry does it. Every industry has to do it to survive because of competition.

What I question here is why the taxpayer is spending $6 million every year on this same earmark for a $60 billion industry. This money goes to universities all over the country, so does research money from paper companies that are in the department next door.

There is research being funded. This is a pittance compared to the other research dollars that are being spent.

Thank goodness, private industry knows that they have to do it. But why does a taxpayer have to be on the hook again and again and again year after year after year for this same earmark for wood utilization?

Mr. ROGERS of Michigan. Mr. Chairman, I rise today in strong opposition to the gentleman from Arizona's amendment to cut funding for the USDA grant for Wood Utilization Research.

For the past 15 years, Michigan State University and other universities have used grants for Wood Utilization Research to strengthen and improve the United States wood product

industry. Jointly, these universities have addressed major problems in all of the forest regions of the United States. This collaboration has provided important advances that have helped to make our wood product industry more competitive around the globe, and our forests healthier here at home. Specifically, grant funding has been used to expand sustainable, environmentally sound forest practices and develop renewable wood-based materials.

The United States wood products industry is fragmented and composed of many small firms whose only access to advanced technology is through government or university laboratories. A major benefit of the USDA Wood Utilization grant has been the flexibility of universities to rapidly respond to critical regional or national research needs. In addition, the availability of grant funding has leveraged additional funds from state and private sources.

Michigan State University, located in Michigan's 8th District, continues to be a leader in this vital research. Today, they are performing research on wood materials that will shape the future of this industry for years to come. Projects include the conversion of wood residuals into biofuels, the development of environmentally safe preservative systems to lengthen the life of wood products (thus lessening the demand for harvest), the creation of wood materials that can substitute petroleum-based plastics, and the utilization of trees killed by emerald ash borer. Many of these projects will help reduce our nation's dependence on foreign sources of petroleum, create manufacturing and research jobs, and further strengthen our wood product industry.

Mr. Chairman, this research grant is critically important not only for Michigan State University and my district, but clearly for the United States wood product industry and our national energy needs. I thank the Committee for funding the grant, and I urge my colleagues to oppose this dangerous amendment.

Mr. FLAKE. Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

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.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110–290 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SESSIONS of Texas.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 4 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mr. KINGSTON of Georgia.

Amendment No. 6 by Mr. KINGSTON of Georgia.

Amendment No. 7 by Mr. JORDAN of Ohio.

Amendment No. 8 by Mr. FLAKE of Arizona.

Amendment No. 9 by Mr. FLAKE of Arizona.

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. FLAKE of Arizona.

Amendment No. 12 by Mr. FLAKE of Arizona.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

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, AUGUST 2, 2007 No. 126

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, holy, powerful, loving, and good, thank You for Your love expressed in the beauty of the Earth and in the glory of the skies. Use the Members of this body today as instruments of Your providence. Where there is loneliness, let them bring community. Where there is sadness, let them bring joy. Where there is sickness, let them bring health. Where there is poverty, let them bring relief and true wealth. As they seek to serve You, give them the peaceful satisfaction of knowing that they please You. Strengthen them to press on with the work of the day, alert to feel Your hand upon their shoulders.

And, Lord, comfort those who mourn the losses from the bridge collapse in Minnesota.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DIANNE FEINSTEIN 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, August 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN 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. Madam President, this morning there will be 2 hours of debate on the motion to invoke cloture on the motion to concur in the House amendment to S. 1, the Lobbying and Ethics Reform Act.

The time is to be equally divided and controlled between the leaders or their designees. Following the 2 hours, the leaders will, if they wish, use leader time to conclude the debate. Therefore, the vote on the motion to invoke cloture is expected to occur at around 11:45, or shortly thereafter.

After that cloture vote, we will remain on the lobbying measure until we complete action.

I have spoken to the participants. It appears they are not going to require a lot of time. That should not take much time, so we can get back to work on the matter relating to children's health.

The manager on our side this morning is going to be the distinguished chair of the Rules Committee, Senator FEINSTEIN. She will be first recognized because she is the manager of the bill.

UNANIMOUS-CONSENT REQUEST—H.R. 2900

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, H.R. 2900, the FDA reauthorization bill; that all after the enacting clause be stricken and Senator KENNEDY's substitute amendment be inserted in lieu thereof; that the bill be read the third time and passed, the motion to reconsider be laid on the table, and the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees, with the conferees being the members of the HELP Committee.

Further, there were tax measures in this matter that we dealt with on the floor. They have been stricken from the bill. That is what Senator KENNEDY's amendment is all about. I hope we could go to conference on this matter.

The PRESIDING OFFICER (Mr. AKAKA). Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and before I object, I need to understand the rationale of the majority leader to propound the request at this time. I sent a letter last week. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC, July 27, 2007.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: I urge you to appoint conferees as soon as possible to S. 1082, a bill that renews expiring authorities at the Food and Drug Administration (FDA) as well as reforms our drug safety system.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

Every day, we hear about a new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of Congressional support to carry out its mission. Reauthorizing these programs is critical to ensure that new drugs and medical devices reach the patients who need them.

As you know, this work period is nearly over. If the drug and device user fee programs are not renewed prior to the recess, FDA will have no choice but to send what is known as a ''Reduction In Force'' or layoff notice to hundreds of FDA employees involved in these programs. These highly skilled and dedicated public servants are not likely to wait until Congress musters enough interest to act to maintain the user fee programs. They will find other jobs. A staff exodus would be a disaster for this agency, and for the public health it safeguards so zealously.

This comprehensive bill will provide new authorities for FDA to be able to react in a timely way to any safety problems that arise after a drug has been brought to market. FDA needs these tools both to get drugs to the market quickly and efficiently and to respond to potential problems the same way, especially when lives are on the line and people need new drugs and therapies.

We must think carefully about our priorities for the limited time we have before the recess begins, and take strong action to give the FDA the resources and tools it needs to protect us. Appointing conferees now would send a powerful message that Congress is working as hard as FDA is to make these programs work.

Sincerely,

MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, this letter is asking for a conference to be appointed. But it is my understanding the House never intended to appoint one this week. Had I known that, I would not have delivered the letter. We were working in a very bicameral, bipartisan manner on getting this done.

At that time, the key players for this legislation—Representatives, Senators, Republicans, and Democrats—were engaged in a very productive bicameral, and bipartisan preconference negotiation. We had all rolled up our sleeves and decided that we were going to complete the legislation before the August recess.

We had a good core agreement, focused on good policy. That is not to say that there weren't a few sticking points. There always are a few of those, but we were making significant progress and coming to a better understanding of each other's legislation. Thus, the appointment of conferees would have been a simple step in the process.

However, a week later, we are not in the same place. As the majority leader knows, this body can seemingly operate in Senate dog years. One week can be a lifetime. In that short week, there were a series of unfortunate events. These events made it impossible for us to meet the goal of completing this key legislation before August recess. I don't want these unfortunate events to derail this process.

The first unfortunate event was a discussion on the House floor last Friday afternoon between Representative CANTOR and Representative WASSERMAN-SCHULTZ. In that discussion, the House leadership indicated that they did not intend to have the FDA bill on the House suspension calendar this week. Given that I am not one to watch the House floor, I did not realize that this decision had been made by House leadership last Friday. On Monday, that information was conveyed to my staff by the staff of key Democrats engaged in discussion. The House Democrats did not see how this FDA bill was to get done before recess.

Had I known that this was what the House Democrats wanted a few days before, I would not have hand-delivered that letter to the majority leader and the minority leader.

Partially, I believe the decision by House Democrats was related to other items, other priorities facing the House. Like us, the House has been discussing the SCHIP legislation this week. Unlike the Senate, the House committees overlap such that the same committee that works on FDA issues also works on SCHIP issues. While we pride our staff in being able to do the impossible, forcing both FDA and SCHIP at the same time would be well past impossible. Thus, the House Democrats made a choice—SCHIP over FDA.

Partially, I also believe that the House leadership felt as if they could get a ''better deal'' if they were to wait until September and build up additional pressure related to reduction in force directly related to the reauthorization of the core of the FDA drug safety bill. I hope to disabuse them of that reality.

If we are to answer to the American people, to give FDA the necessary new authorities, we must do this in a bipartisan manner. We should not politicize this. We should not hold out for ''better deals'' but work together to forge a strong agreement that every American can support.

Therefore, I urge my colleagues not to politicize this issue. Too much is at stake for us to begin the blame game. Instead of blaming each other for potential failure, we should be working to ensure our success. We should be developing a process agreement for how we are to complete this key legislation. We should begin defining the scope of the conference to ensure that extraneous proposals do not weigh down our ability to quickly respond when we return in September.

As part of that first step, I would like everyone to know what I believe is the appropriate scope of the conference. First, we must include the reauthorizations of user fee programs at the FDA to ensure that nearly 2,000 employees at that agency are not laid off. These staff not only ensure that drugs and devices are appropriately and efficiently reviewed before they are allowed to go to market, but they also are in charge of key postmarket safety monitoring of those products. We must reauthorize the Prescription Drug User Fee Act and the Medical Devices User Fee Modernization Act.

Beyond these items, during our Senate debate on FDA, we discussed key provisions that provided FDA with new authorities to assist the agency in quickly and effectively responding to potential safety issues. These new authorities include requiring labeling changes, requiring postmarket studies to more fully examine potential risks, and to have access to clinical trials information for patients and providers. In addition, we discussed how to address potential conflicts of interest of advisory committee members to ensure greater transparency and preserve scientific integrity. I commend Senator MIKULSKI and Senator GRASSLEY for their work in this area.

In addition, we must include three key provisions that focus on children. The first two—the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act—ensure that drugs used in children are tested on children. The third proposal would increase our ability to have devices geared toward children.

Beyond those, there were a series of other provisions which were key to our bipartisan agreement. There is the Reagan-Udall Foundation provisions to ensure that FDA has additional tools to advance the science behind its regulations. The Senate also debated and then accepted a variety of important provisions related to citizens petitions, direct-to-consumer advertising, counterfeit drugs, and antibiotics and enantiomers.

Senator STABENOW, Senator BROWN, Senator LOTT, Senator THUNE, Senator HATCH and Senator COBURN developed a proposal on citizens petitions that will end the abuse of the system while preserving FDA's ability to review those petitions that have public health merit. Senator ROBERTS and Senator HARKIN worked together successfully to solve the difficult issue of how to see that direct to consumer advertisements provide effective safety information to patients while meeting the stringent test of constitutionality. Senator DORGAN and Senator SNOWE contributed a proposal on counterfeit drugs that will be included here as well. Senator HATCH, Senator BROWN, and Senator BURR developed key public health provisions to ensure access to new antibiotics and drug enantiomers.

Senator BROWN and Senator BROWNBACK offered an important incentive to encourage the development of drugs for tropical diseases. All of these items are important components to this legislation and speak to the larger bipartisan nature of our agreement. Let me say that again. We worked deliberately to ensure that our bill was bipartisan.

Finally, there were a variety of provisions included within the Senate bill to address key food safety provisions. Senator SESSIONS, Senator STEVENS, and Senator DURBIN and I worked on

amendments that addressed issues with food and pet food safety.

While I have discussed several key provisions that have been within the scope of our discussions, we must also discuss what should not be within the scope of this legislation. While a sense of the Senate indicated our desire to make generic biologics—or what I like to call biosimilars—available to American consumers to reduce the costs of some medications while preserving quality, the House has so far made it clear that such legislation would not be welcome on this legislation. They prefer to move through regular order. I understand that desire. I prefer regular order, too.

During our discussion on the Senate floor, there was one provision that I believe put the bill in jeopardy—an importation amendment. The House opted not to include this provision so that they could deal with it at a later date. This bill is not the time for this debate, given that we are focusing on key bipartisan proposals.

So, I turn to the majority leader, and I ask him to refrain from politicizing this issue. I ask him to work with me to define the scope of the conference, to develop a plan for getting this legislation done.

Until the House leadership is in agreement with our plan, we should not force the issue today by appointing conferees too early. If we do this too early, we set ourselves up for the blame game, not for getting this key legislation done. This place should not be about ''gotcha'' politics when lives are at stake.

Mr. President, I don't know what the logjam is at the moment. I understand there is some concern on the biologics. There isn't any reason this cannot be completed, but I am afraid the motion, if we are doing this, would appear to put the blame on the House, or on the Republicans—I am not sure which—and I don't think we can do that at this point in time. Maybe later in the day.

Mr. REID. Mr. President, if this is the way the Senator feels, I am happy to have him and Senator KENNEDY see if this can be worked out.

I withdraw my unanimous consent request.

TRAGEDY IN MINNESOTA

Mr. REID. Mr. President, I wish to make a brief comment on the tragedy in Minneapolis, MN. Watching those pictures on television and listening to the accounts on the radio and seeing newspaper accounts and the pictures, this is a real tragedy. My heart and the hearts of all Americans go out to the people of Minnesota—to those who have died, those who have been injured, and certainly the families and friends of all those people.

I am confident we will find out why that disaster occurred. Right now, we don't know. There is every reason to believe it was not an act of terrorism. I feel that is the case, based on hearing the Governor of that State making an announcement this morning.

In passing, I say this. After every storm, the sun shines. I think we should look at this tragedy that occurred and make it a wake-up call for us. All over this country, we have crumbling infrastructure—highways, bridges, and dams. We need to take a hard look at that. We need to look at it as the right thing to do and also not only for the fact that the infrastructure needs repairing or rebuilding, but it is good for America in more ways than that.

For every $1 billion we spend in our crumbling infrastructure, 47,000 high-paying jobs are created. I hope we will take a look at our highways, bridges, dams, water systems, and sewer systems, and see if we can do something about this infrastructure that needs such attention.

We have some things coming up in the Senate in the near future we need to focus on. This tragedy is a wake-up call. We will have the Transportation appropriations bill, and we will have WRDA, which should be coming from the House. We will have Energy and Water appropriations and other matters. We need to work in a bipartisan way and also to work with the White House and have them realize there are things that need to be done with our country's infrastructure.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

TRAGEDY IN MINNEAPOLIS

Mr. MCCONNELL. Mr. President, with regard to the tragedy in Minneapolis, our colleagues, Senators COLEMAN and KLOBUCHAR, are either there or on the way there today to not only extend their condolences to their constituents who have been impacted by this but to be as helpful as possible as they go forward with the rescue mission.

I am reminded of the situation in my State, where the Ohio River goes along the northern border of Kentucky, almost for the entire State, and then when it empties into the Mississippi, it goes southward—the same river over which the Minneapolis bridge collapsed.

We have bridges all along both the Ohio and the Mississippi. Bridge construction and safety has been a big issue in the Commonwealth of Kentucky in recent years.

I share the concerns of the majority leader about reports of the state of our infrastructure in America. We all pray for the victims of the Minneapolis tragedy. It may well serve as a reminder of our need to be ever aware of the dangers that confront our infrastructure in this country.

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. MCCONNELL. Mr. President, with regard to the time allocation on our side during consideration of the lobbying bill, I ask unanimous consent that the time under the control of the Republicans be allocated as follows: Senator COBURN, 10 minutes; Senator DEMINT, 10 minutes; Senator MCCAIN, 10 minutes; Senator GRASSLEY, 5 minutes; and Senator STEVENS, 10 minutes; with the remaining time for myself or my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ABSENCE OF THE SENATORS FROM MINNESOTA

Mr. REID. Mr. President, I should have mentioned this. I appreciate very much my distinguished counterpart mentioning Senator KLOBUCHAR and Senator COLEMAN. I listened to them being interviewed last night on television. You could tell from their presentations how much this meant to them.

AMY KLOBUCHAR's house is, I think, a mile from where the bridge collapsed. Today, they are where they should be. We have matters in the Senate, and we will certainly miss them. For example, Senator KLOBUCHAR has been heavily involved in this ethics and lobbying reform measure. If there were ever a situation where they should miss votes, this is it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the amendment of the House to S. 1, which the clerk will report.

The legislative clerk read as follows:

Message from the House of Representatives to accompany S. 1, entitled ''An Act To Provide Greater Transparency in the Legislative Process.''

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate prior to the vote on the motion to invoke cloture on the motion to concur, with the time equally divided and controlled between the two leaders or their designees.

The Senator from California is recognized.

TRAGEDY IN MINNESOTA

Mrs. FEINSTEIN. Mr. President, quickly, before I begin, I also wish to send my very deep condolences to those families who will have lost their loved ones in this very tragic bridge collapse. I heard the mayor on the television this morning, and it brought me back to my days as mayor. I know what this

kind of difficulty—whether it is an earthquake or a bridge collapse—brings for a city.

I wish to extend my thanks to the wonderful efforts made by the emergency forces and the medical team of the city of Minneapolis. I think it was very special. I saw many acts of heroism.

I very much agree with what the majority leader said about our deteriorating infrastructure. My thoughts went to the great Golden Gate Bridge. I think we need to pay more attention to our homefront and to those items. But at this point I send my very deep condolences to those who will have lost family members and loved ones.

Mr. President, if I may, I wish to present a unanimous consent agreement regarding speakers on our side directly following my remarks: Senator LIEBERMAN, for 10 minutes; Senator OBAMA, for 10 minutes; Senator FEINGOLD, for 10 minutes; Senator DURBIN, for 10 minutes; and Senator REID, for 10 minutes of leader time, I believe.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to urge the Senate to invoke cloture on this bill, S. 1, the Honest Leadership and Open Government Act. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capital. In response, what is before us this morning is the single most sweeping congressional reform bill since Watergate. I support its passage, and I support its passage despite the fact that I do not like everything that is in this bill. It is a strong bill. I am sure it is too strong for some and it is too weak for others, but, like all conference reports, it is, in effect, to some degree a compromise.

On Tuesday, by a 411-to-8 strongly bipartisan vote, the House passed this legislation, and now it is the Senate's turn. It would be a serious mistake if we do not step up to the plate and demonstrate to the American people that we have heard their message.

As I say, the bill is not perfect. There have been some complaints by the minority party about the process used to bring this bill to the floor, and I wish to begin by addressing that issue.

Last January, the Senate passed S. 1 by a 96-to-2 vote. On May 24, the House passed companion legislation by a 386-to-22 margin. Those were strong bipartisan votes. But when the majority leader sought unanimous consent to name conferees, one member of the minority party objected, and he held fast to his objections, preventing the establishment of a conference committee where Members could have sat down in the light of day and negotiated Member to Member the differences between the two bills. Clearly, that wasn't able to take place.

With few other options available, the majority leader and the Speaker of the House sought consensus on a bill that could be taken up by both Houses, and that consensus bill is what we have before us today.

It may not be every person's wish, and as chairman of the Rules Committee, I commit right now to keep these items on the front burner, and should changes be necessitated, I would be very happy to entertain them. Though I cannot speak for my counterpart, the distinguished ranking member, Senator BENNETT, I believe he would also.

But today, let me say this: I believe this is a good bill—not a perfect bill but a good bill. Its passage today is the most direct action we can take to show the American people that, yes, we want to curb the influence of lobbyists and we want to restore the public trust on how we operate as Senators and Members of the House of Representatives.

In recent years, there has been an explosive growth in the number of registered lobbyists in Washington from 16,342 in 2000 to 34,785 in 2005. So in 5 years, the numbers of lobbyists have doubled, and, according to all reports, the numbers keep growing.

One of the most critical provisions of this bill will now shine new light on the role lobbyists play in political campaigns by requiring the disclosure of funds they bundle on behalf of Members, PACs, and party committees. It will also require that lobbyists disclose all their campaign contributions as well as payments to Presidential libraries, inaugural committees, or entities controlled by, named, or honoring Members of Congress, and it requires lobbyists to file electronic reports quarterly on their lobbying activity, with these reports becoming available on a searchable public database. The bill also increases civil penalties from $50,000 to $200,000 and establishes a criminal penalty of up to 5 years for those lobbyists who knowingly and corruptly fail to comply with these new requirements.

There has been increasing concern about former members of the administration, former lawmakers, and their staff gaining undue access as lobbyists because of the relationships they have made while working for the Government. This bill seeks to address those concerns by increasing the length of time, the so-called cooling-off period, for Senators. Currently, Senators are barred from lobbying Congress for 1 year. With passage of this bill, that would be extended to 2 years.

Cabinet Secretaries and other very senior executive personnel would be prohibited from lobbying the department or agency in which they worked for 2 years after they leave their position. In other words, they cannot lobby the department from which they left for 2 years. That is an increase from 1 to 2 years.

Senior Senate staff and Senate officers would be barred from lobbying the entire Senate for 1 year, instead of just their former employing office. That would be the whole Senate, not just their office.

There has been a lot of talk also about the K Street Project in which lobbyist firms, trade associations, and other business groups were told by former House majority leader Tom Delay and others that they would encounter a closed door in Congress unless they hired members of the then majority party. This bill seeks to end that practice by prohibiting Members of Congress and their staff from influencing hiring decisions of any private organization on the sole basis of partisan political gain, and it carries with it a fine and imprisonment of up to 15 years for violations. That is a stiff penalty, but hopefully it sends a stiff and strong signal that such practices will not be tolerated in the future.

Another issue that recently came to light is that Members of Congress convicted of bribery, perjury, conspiracy, and other related crimes can still receive their congressional pensions. I did not know this. Probably you didn't know this, Mr. President. But, fortunately, this bill ends that practice.

S. 1 also contains a number of major reforms to Senate rules, and I will highlight a few of the most important procedural reforms.

Section 511 amends rule XXVIII to subject ''dead of night'' additions to conference reports, when the new matter was not approved by either House, to a 60-vote point of order. This is a very important change in the rules, and it has been the bane of many our existence for a long period of time. You go through the process, and then after the process is concluded, in the dead of night, something is stuck into a conference bill. This practice will end.

Currently, when an out-of-scope provision is added to a conference report, we can object, but the objection brings down the whole bill. The reform in this bill will allow a Member to object to just the added provision.

I first proposed this provision in the last Congress and worked closely with Senator LOTT on its development. I am very happy that it is included in the final bill.

Section 512 ends secret Senate holds by requiring the Senator placing a hold on a legislative matter or nomination to publicly disclose that hold within 6 days. This, too, is an important reform. We all know about anonymous holds. We all know what it takes to discover who actually has the hold. It is time those Members who seek to hold up legislation come forward and disclose who they are and why. We do not prohibit their ability to exercise this senatorial prerogative, but we do require that they be transparent and, therefore, public about it.

Section 513 requires that Senate committees and subcommittees post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

A great deal of attention has been given to the dramatic escalation in the number of earmarks awarded by Congress, and I wish to spend a couple of minutes on the earmark provisions.

According to a survey of the Congressional Research Service, CRS, the number of earmarks has skyrocketed from 6,114 to 13,012 in 2006. So in 6 years, the number of earmarks has more than doubled. Henceforth, earmarks which are in effect congressional additions to spending cannot be made in the dark of night but only in the full light of transparent disclosure. That is a big change.

This bill would require that the sponsor or the requester of each and every earmark be publicly identified, and because there is often disagreement about what does and does not constitute an earmark, the bill provides for the first time in Senate rules a definition that does not restrict the disclosure requirement to only appropriations bills. You and I, Madam President, serve on the Appropriations Committee, but there are also these authorizations that, in effect, are requests for added spending.

This new rule XLIV requires that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills, resolutions, conference reports, and managers' statements be identified and posted on the Internet at least 48 hours before Senate action. So 48 hours before a bill comes to the floor, all of these additions must be transparently available to the public. It requires for the first time that Senators certify that they and their immediate family will not have a direct pecuniary benefit from the earmark they request as defined by rule XXXVII.

Separately, rule XLIV also subjects new directed spending added to a conference report when the new spending was not approved by either House to a 60-vote point of order so that you, Madam President, I, Senator GRASSLEY, or anyone else can come to the floor and raise a point of order to that congressional add-on, and then that would be subject to a 60-vote point of order. If a Senator objects to the earmark being dropped into the conference report, it then will most likely be stripped out unless 60 Senators vote to keep it in.

Committees would also be required, to the greatest extent practicable, to disclose in unclassified language the funding level and the name of the sponsor of congressionally directed spending included in classified portions of bills, joint resolutions, and conference reports. The chairman of each committee is responsible for certifying that the list of earmarks is correct and properly identified. So there is also a burden placed on the chair of every committee and subcommittee.

Let me speak for a moment about gift and travel reform. The Senate rules have also been reformed to curb the special access that special interests seek to gain by providing Members with gifts, meals, and tickets to entertainment and sports events. This bill prohibits staff and Senators from accepting gifts from registered lobbyists or entities that employ them. The bill prohibits Senators from attending parties in their honor at national party conventions if they have been sponsored by lobbyists, unless the Senator is the party's Presidential or Vice Presidential nominee.

The bill amends rule XXXV by prohibiting Senators and their staff from accepting private travel from registered lobbyists or entities that hire them, and prohibiting lobbyists from organizing, arranging, requesting, or participating in travel by Senators or their staff. However, Senators and their staff, with preapproval from the Ethics Committee, will still be allowed to accept travel by entities that employ lobbyists if it is necessary to participate in a 1-day meeting, a speaking engagement, a fact-finding trip, or similar event. And Senators and their staff can still accept travel provided by 501(c)(3) organizations if the trip has been preapproved by the Ethics Committee.

Finally, Senators will be required to pay the fair market value—that is, the charter rate—for flights on private jets not operating or paid for by an air carrier that is certified by the FAA. Section 601 separately establishes the same requirement for Senate candidates and Presidential and Vice Presidential candidates. This, in itself, is a consequential reform and somewhat controversial.

Finally, before closing, I would like to thank the majority leader for his unyielding determination to bring this bill forward. Without his dogged determination, and that of the Speaker of the House, I don't believe this bill would be before us today, and both are to be commended.

The 2006 election saw the largest congressional shift since 1994, and even with the war in Iraq on many voters' minds, Americans remain seriously concerned about ethics in government. It is time we listen to their concerns. This bill attempts to do so.

It is not always easy, it is not going to please everybody, and as I said in the beginning, Members are either going to feel that this bill is too strong about this part or that part, or too weak about this part or that part. But let me just reinforce that this is a conference report. It is not subject to amendment. It has been put together in an unusual procedure because of the objection from the other side to us going to conference, which would have been a far preferable method of handling this.

I once again repeat my commitment that as chairman of the Rules Committee, I will be happy to consider any amendments that the operation of this bill might indicate are warranted in the future.

I thank the Chair, and I yield the floor at this time.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Iowa.

Mr. GRASSLEY. Madam President, may I claim my time?

The PRESIDING OFFICER. Actually, under previous order, Senator LIEBERMAN was scheduled to follow Senator FEINSTEIN.

Mr. GRASSLEY. We are not going back and forth?

The PRESIDING OFFICER. The Senator from Iowa may proceed.

Mr. GRASSLEY. Also, on behalf of Senator STEVENS, because he was waiting to claim his time, and he had to go to a markup, he asked if I would have his name taken off the list and reserve the time for our side. But I would ask unanimous consent that I have 5 of that 10 minutes he originally had added to my time.

Mrs. FEINSTEIN. Madam President, reserving the right to object, and I won't object, but I misspoke, and if I may just correct the record.

This is not a conference report. It is a bill. But it is still not subject to amendment because the tree is filled. I wanted to make that clear.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. LIEBERMAN. Reserving the right to object, and I will not object, I wanted to ask my friend from Iowa how long he intends to speak.

Mr. GRASSLEY. That would be 10 minutes.

Mr. LIEBERMAN. I thank the Chair, and I have no objection.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am rising to speak against the compromise that deals with the issue of secret holds. I would agree with the Senator from California, the distinguished chairman of the committee, that what we have in this report is probably better than what we have today because secret holds are secret, and nobody knows who is holding a bill. The public's business ought to be public, and it isn't today. But I do take exception to what is before us in regard to secret holds for the simple reason that there wasn't any necessity whatsoever to compromise.

Secret holds are rules of the Senate, or procedures in the Senate, and this body spoke with 84 votes in favor of what Senator WYDEN and I put before the Senate. Basically, this makes it so liberal that it is practically meaningless what we are doing about secret holds.

Article I, section 5 of the Constitution of the United States reads in part:

> Each House may determine the rules of its proceedings.

That means that the House of Representatives would have no say whatsoever in the Senate rules, but a conference was used for negotiations between the House and Senate. That was used as a rationale for changing what Senator WYDEN and I had previously gotten passed in the Senate. So when the Senate debates and passes changes to its rules, that ought to be the final word. But that wasn't the final word, as we are seeing today. That is what

happened with the House package of rules changes that the body passed in the Congress, and we didn't attempt to tell the House what they ought to do.

However, since the ethics reform bill that the Senate passed in January also contained changes to the Lobbying Disclosure Act and other laws, the entire bill needs to pass both Houses of Congress and be signed by the President. Nevertheless, that does not change the fact that under the Constitution, only the Senate determines its rules and procedures, and the Senate, in an overwhelming majority, spoke. So why shouldn't it be left just the way Senator WYDEN and I had originally introduced it.

What has happened is, the Senate had a full open debate about it and passed the changes that we did in Wyden-Grassley. Now we have a situation where the majority leader of the Senate and the Speaker of the House rewrote major provisions in this package, including rewriting Senate rules that had already passed the full Senate.

In conference, one provision that was changed was a provision that I referred to which Senator WYDEN and I had been working on for years to end the practice of secret holds because the public's business ought to always be public. Any Senator who has guts enough to put a hold on a bill ought to be willing to stand up and say who they are. Only in the Senate can a single Member prevent legislation or nominations from being considered under the so-called procedure of holds. Holds do not exist in the House.

Senator WYDEN and I were successful in passing an amendment in last year's ethics reform bill by a vote of 84 to 13 on public disclosure. That same language was included in the bill without a vote in this Congress. But you know how things go on around the Senate. We had prominent Senators, people who run this body, who told Senator WYDEN and I that ''they get the message,'' after 6 or 7 years, and, finally, we were going to end this secrecy. That bill wasn't enacted, but we included those identical provisions in this bill.

Senator WYDEN and I pushed for that provision because we believed the public's business ought to be done in public. Every Senator has the right to object to a unanimous consent request to proceeding to a matter. Senators have every right to object to a unanimous consent request publicly, but I see no legitimate reason Senators should be able to be secret about what they are doing in the Senate. It has been my policy for years to place a brief statement in the CONGRESSIONAL RECORD each time I place a hold, with a short explanation of why I placed that hold. It has never hurt me one bit, and Senators should have no fear following a requirement of the public's business being public. In other words, nothing secret. If you want to hold up a bill, just have guts enough to say so.

So I say the Senate has spoken in passing our very well thought out provision. And I should add that this provision was written with the help and advice of Senator LOTT and Senator BYRD, both former majority leaders with much valuable insight about how the Senate works. Yet even though the Senate has already spoken as a body on this matter, a single Senator has single-handedly rewritten part of this provision, overriding what I consider overwhelming support in the Senate to end secret holds.

In the version that was Senate passed, we allowed 3 days for Senators to submit a simple public disclosure form for the RECORD, just like adding your name as a cosponsor to a bill. The intent is not that it is somehow legitimate to keep a hold secret for 3 days, but we wanted to give Senators ample time to get their disclosure to the floor to be entered into the RECORD. The rewritten provision, as Senator FEINSTEIN has said, gives Senators 6 legislative days instead of those 3 days. It is absurd to think that Senators need over a week to send an intern down to the floor with this simple form.

Of greater concern is that the rewritten language requires Senators to disclose a hold only after a unanimous consent request is made and objected to anonymously on the Senator's behalf, and then they have 6 days after that. That is too late. By that point, particularly at the end of a session, it is going to make this process meaningless. By that point, a hold could have existed for some time, perhaps without the sponsor of the bill even realizing it.

Furthermore, since the majority leader controls the Senate's schedule, he would hardly object to his own request to bring up a bill or nominee. He would simply not bring up a bill or nominee being held up by a Member of his own party. If a Member of the minority party were to attempt to ask unanimous consent to proceed to a matter, he would object on his own behalf to protect the majority leader's prerogative to set the agenda, and any secret holds by members of a majority party would remain secret.

I am deeply disappointed that this provision that Senator WYDEN and I worked so hard on, over a period of at least 6 years, to finally get a vote of 84 Members of this body supporting it, and then, because it was almost a fait accompli as seen by leaders of this body—powerful Senators in this body—just to put it in, in January, in the bill that is before us because it would be done—so-called ''getting the message,''—well, who has forgotten that they got the message that they had to change this? And that is what is so irritating.

I am going to vote for this bill, but this was something that didn't need to be in a bill. It didn't need to be negotiated. This was decided by the vast majority of the Senate. But you know what it tells me. There are still people around here who don't want the public's business to be public. They want to do things in secret. They do not have guts enough to say they want to hold up a bill. So we end up with this convoluted thing we have of 6 days, but it isn't even kicked in until after there is an attempt by somebody to ask for a unanimous consent request to bring up a bill, and then only at that point, and then there is 6 days after that.

So I have stated my piece. I am not very happy. I hope Senator WYDEN is as unhappy as I am and will try to do something in the future.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from California for her leadership in this very important matter.

We all know, if you read the public opinion polls, Congress is at an all-time low in the estimation of the American people. I am not going to comment about the political impact of that, but more broadly on the fact that this is, in our self-estimation, the greatest democracy in the world, and that means this is a government which depends on the support of those we govern—the consent of the governed. When the level of trust and respect between the people of the United States and the Members of this elected Congress is as low as it is now, our democracy is less than it should be. I don't want to say it is in jeopardy, but I will say that it is weakened by this distrust.

So why does this distrust exist? I am sure everybody has their own favorite explanations. It seems to me that part of it is a pervasive partisanship here that gets in the way of us producing results, producing solutions to problems that people have—the people who are good enough to honor us by sending us here. They are frustrated because they think we too often put partisan interests ahead of public interests, ahead of their interests.

Another reason for the low estimation and opinion the American people have of Congress today is the wave of scandals that has afflicted the Congress and individual Members. When one Member is accused or convicted of an ethical or legal lapse, it affects the attitude of the people toward the entire institution. These seem to have come with increasing frequency.

Ultimately, no law can guarantee that an individual anywhere, including in Congress, will do the right thing and will be ethical. There are always private moments when we will all have to count on our moral compasses and our values center. But we adopt law to try to create a clarity of rules and create incentives for our society overall—and in this case, we ourselves—to guide us, encourage us, hopefully to scare us into doing the right thing. It is in that

context that I rise with real enthusiasm to support the Honest Leadership and Open Government Act which is before the Senate today.

This is not only the right thing to do in every substantive way, but it is the right thing to do in the larger sense that I described, of trying to rebuild the respect the American people have for this institution and for all of us who are Members of it. The focus here is on disclosure, as it ought to be.

The American people will naturally view darkly what is done in the shadows. They want to know that what we do in their names here in Congress is done with their best interests at heart rather than the narrow interests of a special few whose money may appear to the public to buy those special few access. Those suspicions, in the context of public cases of ethical and legal violations, grow in the darkness. The American people must know, through disclosure and sunlight—and this bill will shine light on so much of what we do—that the only special interest being represented here in Congress is the interest of the American people who were good enough to honor us by sending us here to serve them. This sweeping legislation shines much needed light in corners and corridors of this Capitol, too long left in the dark. It should help restore the public's trust now, a trust that is in much need of restoration.

I am proud to say that much of the lobbying part of this legislation came from the Homeland Security and Governmental Affairs Committee, last year under the leadership of Senator COLLINS, this year under my chairmanship. We always have worked together on a bipartisan basis.

With regard to lobbying, I wish to cite a few of the key proposals that increase disclosure.

This bill will bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filings and by requiring quarterly—rather than semiannual—reports detailing lobbying activities that lobbyists perform for specific clients. The reports are going to be right there for the public to see on the House and Senate Web sites.

Second, the bill amends the Lobbying Disclosure Act to require lobbyists to file reports detailing their activities beyond lobbying directly. That includes campaign contributions, payments for events to honor Members or to entities controlled by Members, and donations to Member charities, Presidential libraries or inaugural committees. None of these contributions are currently disclosed under law. This legislation attempts to build a broader wall between what we do here in serving the public and the lobbying world. Lobbying is a constitutionally protected activity. We are not trying to stop it or curtail it. We are trying to make sure it is done in an honorable and honest way.

This legislation increases from 1 to 2 years the cooling-off period before Senators can come back and lobby their colleagues. The bill also adds a provision to the Lobbying Disclosure Act prohibiting lobbyists from knowingly providing gifts or travel to Members in violation of House or Senate ethics rules, putting lobbyists on the hook for civil or criminal penalties if they violate the rules. Amendments to the Lobbying Disclosure Act will also shine a spotlight on so-called stealth coalitions by requiring greater disclosure of the identity of individual organizations that contribute to collective and focused lobbying efforts.

We back all these provisions with teeth—better enforcement. We increase civil penalties under the Lobbying Disclosure Act and create new criminal penalties for knowing and corrupt failure to comply with the act. We will have annual audits. We require annual audits by the Government Accountability Office, GAO, of lobbyists' filings—that is a second tier of review—and regular reporting by the Department of Justice on actions they take against those who violate the rules.

Those are the most significant parts of this legislation that came out of our committee with regard to lobbying. I do wish to compliment my friend and colleague from California, Senator FEINSTEIN, for her work in putting together an extremely tough ethics package. I think it is a very significant accomplishment for her in the first half year of her chairmanship of the Senate Rules Committee. In particular, I am pleased the final package, for the first time, requires so-called bundled campaign contributions made by lobbyists to Federal candidates to be disclosed to the public and published on the Federal Election Commission Web site. I know Senator FEINSTEIN has mentioned, and others will, other reforms here.

I wish to say just a final word about earmarks. This was an issue that came up in my campaign for reelection last year. I was accused by one of my opponents of bringing earmarks back to Connecticut. I thought that was something good to do. I said, like so much else in life, there are good earmarks and bad earmarks. Bad earmarks can often get through if there is not adequate disclosure. If you support an earmark and it is in legislation, you ought to not only be proud to be identified with that earmark in public but, if necessary, to come to the floor and defend the earmark to make sure it has the support of your colleagues.

This legislation requires that all earmarks included in bills and conference reports and their sponsors be identified on the Internet at least 48 hours before the Senate votes. Senators will be required to certify that they and their immediate family members have no financial interest in these earmarks. Dead-of-night additions to conference reports—that is, new earmarks, business that has too often been done here without public scrutiny or even the scrutiny of most Members of Congress—will now be subject to a 60-vote point of order.

I will say, if a Senator from yesteryear—not so far back yesteryear, 15 years, maybe 10 years—came back and saw that we were doing this here, they would wonder where they were. But where they would be is someplace where the American people justifiably want us to be.

Once the elections are over, the American people expect us to come here and do their business. That is exactly what this legislation will make much more likely. In the end, as I said at the beginning, it all comes down to the moral compass each Member of Congress has and the respect we give to the office in which it is our privilege to serve. But government in the shadows with deals cut behind closed doors invites abuse, breeds distrust, and simply must end. This bill goes a long way toward doing exactly that.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman of the Homeland Security and Governmental Affairs Committee. The lobbying portion of this bill falls within Senator LIEBERMAN's jurisdiction. I also thank him for a job well done. He has been steadfast in this pursuit for a number of years.

I will exchange places with the Presiding Officer, and Senator OBAMA will be recognized for 10 minutes.

Mr. OBAMA. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. OBAMA. Madam President, I come to the floor to speak in strong support of the Honest Leadership and Open Government Act of 2007.

First of all, let me commend the Presiding Officer for the outstanding work she has done in helping to shepherd this process through. It is wonderful work. I think the American people very much appreciate the improvements that are being made to our political process as a consequence. I also commend Senator REID for his outstanding leadership on this bill. I especially thank my good friend, Senator FEINGOLD, with whom I have worked closely on this issue over the past year and a half.

The bill before us today could not be more urgently needed. For too long, the American people have seen lobbyists treat the legislative process like a game, using targeted contributions to maximize their leverage. For too long, people have believed their voice and interests have been drowning in a sea of lobbyist money and influence in Washington.

This is not the first time we have faced a crisis of confidence in government. Around the turn of the last century, wealth was becoming more concentrated in the hands of a few robber barons, railroad tycoons, and oil magnates. It was an era known as the Gilded Age. It was made possible by a government that played along. But when

President Theodore Roosevelt took office, he wouldn't play along. He devoted his Presidency to busting trusts, breaking up monopolies, and doing his best to give the American people a shot at the American dream once more.

America needs this kind of leadership more than ever. It needs leadership that sees government not as a tool to enrich well-connected friends and high-priced lobbyists but as the defender of fairness and opportunity for every American.

We cannot settle for a second Gilded Age in America. Yet we find ourselves once more in the midst of a new economy, where more wealth is in danger of falling into fewer hands, where CEO pay grows from year to year as the average worker's pay remains stagnant, where Americans are struggling like never before to pay their medical bills or kids' tuition or high gas prices, all the while the profits of drug and insurance and oil industries have never been higher.

Once again we are faced with the politics that makes all of this possible. In recent years, the doors to Congress and the White House have been thrown wide open to an army of Washington lobbyists who turned our Government into a game only they can afford to play. Year after year, they stand in the way of our progress as a country. They stop us from addressing the issues that matter most to our people.

Let's take health care, just as one example. The drug and insurance industry spent $1 billion in lobbying over the last decade. They got what they paid for when their friends in Congress broke the rules and twisted arms to push through a prescription drug bill that actually made it illegal for our own Government to negotiate with the pharmaceutical companies for cheaper drug prices. Because reform has been blocked up until now, there are parents and grandparents in this country who are walking into the drugstore and wondering how their Social Security check is going to cover a prescription that is more expensive than it was a month ago, who are being forced to choose between their medicine and groceries because they can no longer afford both.

Let me be clear, I do not begrudge businesses trying to make a profit. I do not begrudge them hiring lobbyists to plead their case before Congress. It is protected political speech, and we appreciate that there are many lobbyists who represent their clients well and fairly. But it is time we had a Congress that tells drug companies or oil companies or the insurance industry that, while they may get a seat at the table in Washington, they don't get to buy every single chair. We need to put an end to the prevailing culture in this town, and that is what we have been trying to do for the past couple of years.

Last year, Congress came up with a somewhat watered-down version of reform.

I, along with others, such as Senator FEINGOLD and the Senator from Arizona, who is about to speak, Mr. MCCAIN, voted against it because we thought we could do better.

In January, I came back with Senator FEINGOLD, and we set a high bar for reform. I am pleased to report that the bill before us today comes very close to what we proposed. By passing this bill, we will ban gifts and meals and end subsidized travel on corporate jets; we will close the revolving door between Pennsylvania Avenue and K Street; and we will make sure the American people can see all the pet projects lawmakers are trying to pass before they are actually voted on.

We will do something more. Over the objections of powerful voices in both parties, we will ensure that our laws shine a bright light on how lobbyists help fill the campaign coffers of Members of Congress by bundling contributions from others. Because an era in which soft money is prohibited, the real measure of a lobbyist's influence is not how much money he has contributed, it is how much money he is raising from others.

For too long, this practice has been hidden from public view. But today we can change that. I am pleased the amendment I have offered on bundling is part of this bill. I wish to thank Representative CHRIS VAN HOLLEN, who fought so hard to get this provision included in the House bill. As the Washington Post described the bundling provision earlier this year:

> No single change would add more public understanding of how money really operates in Washington.

So there is a lot of good in this bill. I truly hope and believe it will change the way we do business in Washington.

Let's not forget, though, there is still some more we need to do. One of the things I have argued is necessary to have on this is an independent entity to enforce ethics rules in Congress. Because no matter how well we police our own conduct, as long as we are our own prosecutor, judge, and jury, the public will never have complete trust in our decisions. So far, that is a fight I have lost. But I will continue to support independent enforcement because I believe it is in our Nation's best interests.

I also believe that if we are serious about change, we need to have a real discussion about public financing for Congressional elections. Because even if we can stop lobbyists from buying us lunch or taking us out on junkets, they will still be able to attend our fundraisers, and that is access the average American does not have.

In our democracy, the price of access and influence should be nothing more than your voice and your vote. That should be enough for health care reform. That should be enough for a real energy policy. That should be enough to ensure our Government is still the defender of fairness and opportunity for every American.

It is time to show the American people we have the courage to change the prevailing culture in this city. It is time to give people confidence in their Government again. We have a chance to start doing it with this bill.

I proudly support this legislation. I once again thank the chair for her outstanding work in moving this forward. I urge all my colleagues to support the legislation.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, over the last 20 years, I have found myself in a lonely fight against earmarks and porkbarrel spending year after year. I have come to the floor and read list after list of the ridiculous items we are spending money on, hoping enough embarrassment might spur some change.

I was encouraged in January, when this body passed by 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reform. I thought at last we would finally enact some effective reforms. Unfortunately, the victory was short-lived.

One of my happier days, I will admit, was when Dr. COBURN was elected to the Senate in 2004. There is no better advocate of earmark reform; no one more consistent in standing firm to fight the worthy fight against wasteful spending, and I am proud to call him my friend.

I would like to commend my friend, Senator DEMINT, and Senator GRAHAM, Senator CORNYN, and others for joining our effort. Sadly, I say to my friends, that given the very watered-down earmark provisions contained in the measure brought to us by the majority, our good fight clearly will have to continue.

Not only does this bill do far too little to rein in wasteful spending, it has completely gutted the earmark reform provisions we passed overwhelming in January. It provides little more than lip service, unless, of course, you happen to be a committee chairman of the majority leader.

Under this majority-written bill, with no input from the Republicans, this bill will, unless you hold one of the top positions, you will now wield even more power, even more power with your porkbarrel pen.

Let me be clear. The ethics and lobbying reform bill has some good provisions which I strongly support: A ban on gifts and travel paid for by lobbyists or groups, although, if you want to get a free meal, count it as a campaign contribution. But, anyway, increased disclosure is welcome reform.

But the bill before us fixes only part of the problem and does not go to the heart of the problem. The heart of the problem that has bred the corruption is the earmark process. We all know that as my friend, Dr. COBURN, has said from time to time, it is the gateway drug to corruption—it is the gateway drug to corruption. I do not throw around the word ''corruption'' lightly. But there

are former Members of Congress in jail. There are investigations going on right now, and you can trace it all back to the influence of money which has corrupted a process which then allows money, our tax dollars, to be given to special interests or even accrue to the benefit of the author of the earmarks.

We come to the floor a lot and talk about a lot of the earmarking. Some of them are fun to talk about, but they make you sad: $225,000 for a historic wagon museum in Utah; $1 million for a DNA study of bears in Montana; $200,000 for the Rock and Roll Hall of Fame.

You notice all these earmarks are geographically designated so there will be no mistake that that money might go someplace else other than where it had been intended by the appropriator.

One of my favorites is the $37 million over 4 years to the Alaska Fisheries Marketing Board to promote and develop fishery products and research pertaining to American fisheries. So how does this board spend the money so generously? I have a picture I will not show. Well, they spent $500,000 of your tax dollars to paint a giant salmon on the side of an Alaska Airlines 747, and nicknamed it the ''Salmon Forty Salmon.''

So the fact is, we are not going at the heart of the problem. Let me quote from yesterday's Wall Street Journal that says it even better than I can:

> Our favorite switcheroo: Under the previous Senate reform, the Senate parliamentarian would have determined whether a bill complied with earmark disclosure rules. Under Mr. REID's new version, the current majority leader, that is, Mr. REID himself, will decide if a bill is in compliance. When was the last time a Majority Party Leader declared one of his own bills out of order?

I have only been here 20 years, but I have never seen it. I do not think you are going to see it in the future. So while under this new version of the bill earmarks should be disclosed in theory, the fact remains that only the committee chair or the majority leader or his designee can police it.

If they say all the earmarks are identified, we take it as gospel. Our only option is to appeal the ruling of the chair that a certification was made. Of course, that is business as usual, requiring 60 votes.

The new version does retain the requirement that bills and conference reports be available 48 hours before a vote, but the searchable database is no longer a requirement when it comes to conference reports; conference reports, where we have seen inserted some of the most egregious porkbarrel projects in this system as it exists today.

Of course, conveniently the bill was modified between its release Monday morning and another version Monday afternoon. It was a modification to the benefit of the business-as-usual crowd. It would now require a 60-vote threshold to appeal the ruling of the chair, compared to a mere majority vote under the version released a few hours earlier.

Let's be clear. Sixty Members are not going to overrule the majority leader. Fact. Business as usual. Business as usual.

I am a bit saddened, too, because there was an opportunity here. There is enough outrage and anger out there amongst the American people that they are demanding reform. They are not demanding an increase from 1 year to 2 years for disclosure; they are not demanding about meals, they are demanding we fix the earmark process which has led to corruption. We have taken a pass. I regret it very much.

I predict to you now the earmarking and porkbarrel spending will creep back into the process sooner rather than later, and we will not regain the confidence of the American people.

I wish to thank again my colleagues, both Senators from South Carolina, the Senator from Oklahoma, and others who have fought sometimes a lonely fight to try to clean up this mess.

I yield the remainder of my time to the Senator from Oklahoma and the Senator from South Carolina.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senator from Wisconsin is next on our list. However, he had a pressing meeting, so we would be happy to go to a Republican.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank Senator MCCAIN for highlighting some of the problems with the bill. The real problem is that we last year spent $434 billion of our grandkids' money that we could not come up with. We did not collect taxes; we lowered their standard of living in the future. How did we get there?

We got there because we use earmarks to buy votes on appropriations bills. So we never look at the appropriations bill, we only look to see if our little thing is in it. Not all earmarks are bad. What is bad is a lack of transparency in our Government.

I know, Mr. President, you have helped me in terms of the Transparency and Accountability Act, but that is all after the fact. What this bill does is create a lie. That is what it is. It is not anything less than that.

We are lying to the American people that we are fixing earmarks, when we are not. The reason is, the vast majority of people in this body do not want their earmarks disclosed because it limits their ability to play the power game with the well connected who get something ahead of everybody else.

The other problem with earmarks is it takes our eye off the priorities for our country. Earmarks cause us not to do what is best for the country as a whole in the long term. It makes us short-term thinkers. It makes us parochial in our interests. I challenge any Member of this body to look at the oath they took and see if it says anything about your State when you swore to uphold the Constitution and serve as a Senator. Your duty is to the country as a whole, not to the well-heeled special interests who are the beneficiaries, whether they are parochial or not, to your earmark.

So there is no question this bill will pass. But the question the Senators have to ask is: Was I intellectually honest when every one of them out there is saying: We will have to fix this later because we do not like it, but we do not have the courage to vote against it—because they know we have not fixed the problem. But they are afraid of the public outrage and the pressure that has been created, in the essence of creating the impression that we fixed the problem.

Now, why do I say we have not fixed the problem? You go through this. What the Senate passed was DICK DURBIN-NANCY PELOSI's bill on transparency and earmarks, brought to the Senate by the Senator from South Carolina.

The first provision prohibits Senators from trading earmarks for votes. In other words, I will give you your earmark if you will vote for my bill. It is gone. It is not there anymore.

Prohibiting Senators and staff from promoting earmarks from which they or their families would receive a direct financial benefit, it is gone. We now say it has to be for that person, even though you may be connected. So we have gutted that. One of the greatest problems we have, we have gutted. So no longer is there a prohibition that your family member cannot benefit from an earmark from Congress. That is the greatest conflict of interest there is. Yet it goes on every day.

Third. Allows the Senate Parliamentarian, not the majority leader, not the chairman of the committee, to determine if a bill complies with earmark disclosure and transparency rules. The American people are never going to be able to hold us accountable until they can see what we are doing.

We have now said that, whoever is the leader, Republican or Democrat, this is not about who is in charge, it is about whether who is in charge will have the courage to go against the whole political power of their own party to certify.

The first appropriations bill we had so far in the Senate, the only one we passed, was certified that it was totally compliant. It missed it by $7 billion. They did not list all the earmarks, and they certainly were not transparent, but they certified they were.

The next provision prohibits consideration of bills, joint resolutions, or conference reports if earmarks are not disclosed. You can't bring it to the floor anymore if they are not disclosed. You still can bring it to the floor under the rules of this new ethics bills.

The next provision requires earmarks attached to a conference report to be publicly available on the Internet in a searchable format 48 hours before consideration. It still says it, but there is an out. The way this place works, we

bring conference reports up such as that all the time. So every time it is going to get waived, and we are not going to know. We are going to be voting on bills where the earmarks aren't disclosed.

Next provision: Requires 67 votes to suspend the earmark disclosure rule. That is what we passed 98 to nothing. Now if you want to fight that, you have to have 61 votes to say it doesn't. We have totally put on it the other side. We have totally made it so that you can in fact not disclose earmarks, and the majority will vote with you. We have made it hard for transparency rather than easy.

The next provision requires a full day's notice prior to attempting to suspend the earmark disclosure rule. Not anymore. No notice. So you could suspend it and don't have to notify anybody that you are suspending it.

Finally, it requires all earmark certifications from Senators to be posted on the Internet within 48 hours. Not anymore, not if the chairman of the Appropriations Committee doesn't think they can get it done. They just waive it.

So where are the problems? Why is it that the country has between 14 and 28 percent confidence in the Congress? It is because we continue to use sleight of hand to tell them we are doing something when we are not. I don't have any problems with the other things in the bill basically, but those are symptoms of the disease. The disease is right here. It is called earmarks. If we don't treat the disease rather than the symptoms, we are never going to fix the problem.

I am adamantly opposed to this bill and what it has done to gut earmark disclosure. I have been around here long enough to know what will happen under the time pressures and the constraints and the way we operate. This will all go away. It may not go away on the first bill or the second bill, but it will go away. So we find ourselves with the Senate getting ready to vote on an ethics and disclosure rule, and every Senator is saying: How do we fix the things we don't like? Well, we will do it later.

Nobody loves this bill, but we are going to vote for it, not because we are fixing the problem, but it looks as if we are fixing it. The confidence in Congress isn't going to go up; it is going to go down.

We started this debate 2½ years ago on an amendment on a bridge to 50 people in Alaska of which 15 Members of this body voted with me. But the American people came to realize that the bridge to nowhere stood for something more than the bridge to nowhere. It stood for the lack of character and integrity in this body in terms of making long-term decisions and putting the country first instead of political careers. We haven't solved anything with this ethics bills in terms of that problem and rebuilding confidence. There is a crisis of confidence in this country. There is a rumble that we don't deserve the positions we hold because we haven't earned them, because we are going to use sleight of hand. We are going to lessen confidence in this country. We talk about money. It is great, except what is going to happen is we are going to bundle $14,900 every 6 months and it is not going to be reported. Over a 6-year career, that is $180,000 that one lobbyist can bundle for you that does not have to be reported. So tell me how we fixed the problem? The bundling is a symptom of the earmarks. It is a symptom. Where is the connection between earmarks and campaign contributions? It is there almost every time. You just have to look for it.

With the President's help we passed the post-transparency bill, Senator OBAMA and I, to where we get a look at it after the fact. But now we don't want to have transparency before the fact. We have failed the American people with this bill. We are also failing the Senate and ultimately we fail ourselves.

I ask the American people to look at the pictures of their children and grandchildren. Do you want them to have the same opportunities, the same benefits, the same freedoms and liberties? This is the thing that is going to take it away—the lack of an honest and open debate about priorities, the continued spending of money we don't have, and most of it on the basis that we have a gateway drug to spending addiction called earmarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a proud day for the Senate. I certainly thank the Chair of the committee, the Senator from California, for all her guidance and hard work to make sure this legislation got to this point. I certainly thank the Presiding Officer, Mr. OBAMA of Illinois, who has been a wonderful partner in this effort. I enjoyed working with him, and he was tough all the way through when it counted to make sure we would end up with this kind of strong legislation. I thank the Presiding Officer.

Many months of work on legislation to reform our Nation's lobbying disclosure laws and the rules that govern our conduct as Senators are about to come to a close. The result is a bill that by any measure must be considered landmark legislation. I am pleased to support this bill, and I urge my colleagues to vote for cloture and support the bill. I want to speak for a few minutes about what is in this bill and the forces that brought us to this moment.

I introduced the first comprehensive lobbying and ethics reform package in the Senate in July 2005, about 10 years after enactment of the Lobbying Disclosure Act of 1995 and the last significant changes to the Senate's rules on gifts and travel on which I worked with the senior Senator from Arizona. A decade of experience had exposed the weaknesses in those important pieces of legislation. In light of growing concern about the relationships between certain Members of Congress and Washington lobbyists, I thought it was time to undertake further significant reform.

In the months that followed, the Jack Abramoff scandal consumed more and more space on the front pages of the newspaper. When he was indicted in December, lobbying and ethics reform all of a sudden got a big burst of momentum in Congress. In the first few months of 2006, radical reform seemed not only possible but likely. Hearings were held, and a bidding war for who could sound the most sincere about fixing the problems that had led to the Abramoff scandal ensued.

Unfortunately, the congressional leadership at the time talked a good game, but was not really committed to reform. The bill that passed the Senate last May fell well short not only of what was needed, but also of what had been promised only a few months earlier. The House leadership waited even longer to act and tried to add controversial campaign finance legislation to the package, dooming it to defeat. The conventional wisdom was that the voters didn't care, at least that's what the defenders of the status quo assured themselves as they engineered the stalemate that led to no reform at all being enacted. As we found last November, they were wrong.

The voters sent a clear message in November 2006 that they were fed up with the way things were going in Washington. And the leaders of the new Congress responded to that message by making lobbying and ethics reform their very top priority. Speaker PELOSI included major changes to the ethics rules in the House in a package of rules changes adopted on the very first day of the session. And Majority Leader REID introduced an ethics and lobbying reform package as S. 1 and brought it immediately to the Senate floor.

I am pleased that only 7 months later, we are here today to finish the job. The bill before us is a very strong piece of reform legislation. We have a real ban on gifts from lobbyists, strong new rules governing privately funded travel, a requirement that Senators pay the full charter rate to travel on corporate jets for personal, official or campaign purposes, strengthened revolving door restrictions, and improved lobbying disclosure provisions. And for the first time, the public will get a full accounting, through reports filed by lobbyists, and reports filed by campaigns and party committees, of all the ways that lobbyists provide financial support for the Members of Congress who they lobby.

I am very pleased also that the bill includes provisions to provide greater transparency in the process by which

legislation is considered here in the Senate. Finally, after years of failed attempts, secret holds on legislation will be a relic of the past. In addition, out of scope additions to conference reports can be stricken individually rather than bringing down the whole report. All of these items show the seriousness with which this Congress and its new leadership addressed the anger that the American people expressed last November.

Let me say a word about earmarks. I heard my colleagues discussing it, and they know how strong I have been on this issue and how much I opposed the earmark process in my own practices and how many times I supported strong legislation in this regard. I have long been a strong supporter of earmark reform. I have cosponsored legislation on this topic with the Senator from Arizona, Mr. MCCAIN. Back in January, when the Senate first debated this bill, I broke with my leadership and supported the earmark reform amendment authored by the junior Senator from South Carolina, Mr. DEMINT. It is my judgment that the earmark reforms included in the proposal before the Senate today are consistent with the DeMint amendment, much stronger than the original bipartisan leadership proposal that was introduced in January, and an enormous improvement over the way earmarks had been handled by both Democratic and Republican-controlled Congresses in the past. It is simply not accurate to say that the final version of this provision guts the DeMint amendment that the Senate passed early this year. The minor changes that were made certainly do not justify a vote against cloture or against the bill.

The difference between the approach to lobbying and ethics reform this year and last year is this: Last year there was a lot of tough talk, but when it came down to it, the goal was to try to satisfy public outrage but actually do as little as possible. This year, the tough talk was backed up by tough action. This bill includes real reform on things like gifts and earmarks that get a lot of public attention and also on things like secret holds and corporate jets that occur mostly behind the scenes but have a big impact on how things work in Washington.

I especially thank Majority Leader REID for his steadfast insistence on passing strong legislation. This is a great accomplishment for him and for the Senate. I am pleased it is getting done in a timely manner. And I want to thank my colleagues for recognizing that regardless of how reforms might inconvenience us or impact our personal lifestyles, our priority must be to convince our constituents that we are here to advocate their best interests, not those of well-connected lobbyists.

Ethical conduct in government should be more than an aspiration, it should be a requirement. That is what this bill is all about. I am proud to support it, and I urge my colleagues to vote aye on cloture, and on final passage of the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, if the Chair would allow me to thank the Senator from Wisconsin, he has been an energetic, enthusiastic advocate for a very long time. He is not always hard to please. I want to particularly say ''thank you'' to him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I see we have 30 minutes before the vote. I was offered 10. I ask unanimous consent that I have up to 15 minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I thank the Chair.

Mr. President, I rise to voice my opposition to the pretense of earmarks reform that is included in this so-called ethics bill and to urge my colleagues to vote ''no'' on cloture this morning so we can restore the earmark transparency rules we all voted on in January. If, as the majority contends, the differences between that bill and the one we bring to the floor today are minor, there should be no objection to making those rules the same.

Americans know how much Congress loves earmarks. These are the special interest spending items that fill most of our bills. Americans also know that these earmarks are at the center of most of the waste and corruption in Washington. They know money in the form of earmarks is the easiest favor a lawmaker can deliver to a special interest. They know the explosion of earmarks in the last decade has turned Congress into a giant favor factory that turns out favors for special interests, not for the American people.

The Associated Press ran a fascinating article this morning entitled ''Earmarks Prove Popular and Dangerous.'' The article talks about how earmarks have been at the center of corruption in this town, yet Members of Congress continue to embrace earmarks and will do whatever it takes to keep them in the shadows away from public scrutiny.

The article says:

> Even the imprisonment of lobbyists Jack Abramoff and former [Representative] Duke Cunningham . . . on corruption charges that included earmark abuses has not dulled lawmakers' appetite for pet projects. One recent study found that earmarks in House legislation went from 3,000 in 1996 to 15,000 in 2005.

The article highlights that earmark disclosure is at the center of the debate on the so-called ethics bill before us today. It concludes by predicting there will not be enough Senators voting today to restore true earmark reform in this bill. That may be true, but I hope it is not the case.

This bill as it is currently written is a fraud. It is business as usual dressed up like ethics reform. And it is a stunning disappointment and a huge missed opportunity. It completely guts earmark rules we all agreed to back in January and allows us to continue to add secret earmarks to our bills. Even worse, it allows Members of this body to steer millions of tax dollars to themselves and their families. Yet the bill has the title of ''ethics reform,'' so many are going to support it so they can have a sound bite during their election.

This is not really a big surprise. Even though the Democratic leadership campaigned on cleaning up the culture of corruption in Washington, it has never been committed to cleaning up the culture of earmarks. The first version of this bill which came to the floor in January was so inadequate in how it dealt with earmarks, it only covered 5 percent of all the earmarks. The authors of this bill thought they could get away with saying they were providing earmark transparency without actually doing it.

Fortunately, after a lot of public pressure was applied, we were able to come together in a bipartisan way to fix this problem and bring every earmark out into the light of day. The rule we all agreed to not only disclosed all earmarks, but it also gave every Senator the ability to hold the committees accountable if the American people do not get the transparency they deserve.

I thought the Democratic leadership had realized the importance of these reforms, so when the appropriations season began and earmarks started to be added to our bills, I sought consent from my colleagues to formally enact these rules so we could be true to our word and ensure honest, full earmark disclosure. But, as my colleagues know, the Democratic leadership objected to real earmark reform. In fact, they objected on March 29, April 17, June 28, July 9, and July 17—five times in over what has now been 196 days since these earmark rules were passed in January. When it comes to true earmark reform, we have heard nothing but excuses and seen nothing but obstruction.

The majority leader wanted to take this bill to conference with the House back in June so he could kill earmark reform behind closed doors and share the blame with Republicans. I asked him if he would pledge to preserve earmark rules we all agreed to, but he said he could not give me that assurance. He left me no choice but to object to conferencing this bill with the House.

Now the rule is back before us. It has been rewritten in secret by the majority leader and the Speaker of the House, and they did exactly what I was afraid of—they killed earmark reform, only this time they cannot blame this on anyone but themselves.

For some reason, the Democratic leadership does not understand the importance of this issue. They talk a lot about the culture of corruption, but when it comes to reining in the most corrupting practice in Washington,

which is earmarking, they only offer lip service.

My colleagues should remember that it was the practice of trading earmarks for bribes that has been at the heart of the corruption scandals here in Washington. Let me say that again because it is very important. We had and still have a process in place that allows Members of this body to trade the public trust for personal gain.

Former Congressman Duke Cunningham was the master at this. He knew the oversight of his activities was so lax that he kept his own earmark ''bribe menu.'' He knew the House and the Senate were not going to police his colleagues and that the earmark process would give them the ability to steer millions of dollars to his friends who were bribing him. The document that charged Duke Cunningham outlined very clearly what he was doing, and I quote:

> Under the very seal of the United States Congress, Cunningham placed this nation's governance up for sale to a defense contractor—detailing the amount of bribes necessary to obtain varying levels of defense appropriations.

Or earmarks.

> In this ''broad menu,'' the left column represented the millions in government contracts that could be ''ordered'' from Cunningham. The right column was the amount of the bribes that the Congressman was demanding in exchange for the contracts.

The bill we are considering does nothing to stop the earmark factory. This so-called ethics bill does not actually require the Senate to disclose every earmark. All it requires is the chairman of the relevant committee or the majority leader to tell us they have disclosed every earmark. It does nothing to guarantee that earmarks are actually disclosed, and it is therefore unenforceable.

The rule we all agreed to in January that put the Senate Parliamentarian in charge of enforcing this rule has been changed. The Parliamentarian is a nonpartisan referee who works for all Senators, but this bill puts him on the sidelines. It allows the chairman of the committee and the majority leader—two of the most ardent supporters of earmarks and the two people least likely to object to one of their own bills—in charge of enforcing earmark disclosure. This allows the fox to guard the henhouse, and it makes a joke of ethics reform.

This is clearly a sham, and it is a total shame. It has been confirmed by the Senate Parliamentarian and the Congressional Research Service. A memo prepared by CRS states:

> If a point of order is raised under the new rule, it appears that the Chair presumably would base his or her ruling only on whether or not the certification has been made, and not on the contents of the available lists or charts, including the accuracy or completeness of this information.

Mr. President, this has also been confirmed by the Senate Parliamentarian, who says he would not be able to ensure full earmark disclosure.

I hope my colleagues understand what is going on here. The lists of earmarks may only include the ones the Appropriations Committee thinks we should know about. If their certification is inadequate and leaves out 95 percent of the earmarks—like they wanted to do earlier this year—the new rule does not give Senators the ability to raise a point of order to require full earmark disclosure.

But this is not some theory of what could happen. We know without a doubt that secret earmarks will continue because this Democratic leader and Appropriations chairman are already hiding secret earmarks while claiming to be in full compliance with the rule. The nonpartisan Government watchdog group, Taxpayers for Commonsense, has already discovered $7.5 billion in undisclosed earmarks this year, while we are supposedly operating under this rule.

There are several other loopholes in this bill that allow secret earmarks. It allows Senators to trade earmarks for votes. It allows Senators to provide earmarks that financially benefit themselves or their families. It still allows Senators to drop earmarks into bills when they are in conference and cannot be fully debated or voted on. It allows Senators to get around disclosing earmarks on the Internet in a timely way. And it allows Senators to avoid having to put their no-conflict certification letter on the Internet in a timely way.

This so-called ethics bill is a fraud. The majority leader and some of the supporters of this bill want to tell the American people they have fixed the secret earmark problem when they have actually codified the status quo. This bill is actually worse than doing nothing because it preserves business as usual while trying to fool people into thinking everything has been fixed.

I also want to read something that was sent out by nationally syndicated columnist Robert Novak which explains why Republicans are not innocent either. He wrote:

> Yet neither the prospect of several Republicans going to prison nor the disastrous loss of the 2006 election has weakened the party's embrace of the earmark model they ran from while holding the majority, in which each congressman provides for his district or state according to the New Deal model of ''Tax, tax! Spend, spend! Elect, elect!''

Mr. President, Democrats wrote this shameful earmark rule, and they will have to take responsibility for that. But Republicans have a responsibility to stop it. Republicans need to learn their lesson from the last election and, at the very least, shine some light on the earmarking process.

I do not know if we will win the vote this morning, but I urge my colleagues to oppose cloture so we can restore the earmark transparency rules we all agreed to in January. This would be an easy fix. It could be done in a matter of minutes. This bill could be quickly sent back to the House for its approval and then on to the President for his signature.

Earmarks are where most of the corruption has come from. It is directing money in return for some favor. If we are not willing to honestly reform this process with this bill, then it will not solve the problem it claims to solve. It will make it worse.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader is recognized under a previous order for 10 minutes.

Mr. DURBIN. Mr. President, let me first thank the members of the Rules Committee, particularly Chairman DIANNE FEINSTEIN. This is landmark legislation. We have had groups that have been watchdogs over the Congress, that have been the first to complain when there are ethical lapses, that have weighed in and said this bill can make a difference.

It was not easy, trust me. Members of the Senate and Members of the House—many of them—resisted the changes that are included in this bill. But Senator FEINSTEIN was given the authority and the responsibility to come up with a bill that is going to literally change the climate and the way we do business here on Capitol Hill, and she did it. I thank her for her leadership.

New transparency for lobbying activities; a strong lobbyist gift ban; limits on privately funded travel; restrictions on corporate flights; strong revolving-door restrictions; expanding public disclosure of lobbyist activities; ending the infamous K Street Project, which, unfortunately, for a long time was just acceptable conduct under the previous party's control of Congress; and congressional pension accountability—all of these are dramatic changes.

The Senator from South Carolina has focused on the issue of earmarks. I have been fortunate, in the House and the Senate, to have served on appropriations committees. I chair one of those subcommittees now. I want to tell you that the Senator from South Carolina has, unfortunately, misrepresented what this bill does. The Senator from South Carolina can, undoubtedly, remember when I offered an amendment on the floor, which he supported, which said we could not even proceed to an appropriations spending bill until we had posted on the Internet, for the world to see, every single congressional earmark in the bill 48 hours in advance. That is the type of disclosure which has never occurred on Capitol Hill, and it means that not only will the members of the committee and those who bring the bill to the floor be held accountable, but every person requesting an earmark—every Senator—will have to put their name next to the earmark request. I have just gone through this again. I think it is the right thing to do—full disclosure, full transparency, nothing to hide.

The situations that led to the imprisonment of Members of the House and lobbyists were these secret earmarks that popped up in the dead of night and people did not know what they meant. Change a comma here or put a semicolon there, and all of a sudden millions of dollars were flowing to favored clients of some lobbyist. Well, there is a Congressman from California who is now in jail for that, and there is a lobbyist in jail for it as well. Let me tell you, that era of secrecy in earmarks is over. It is over. Forty-eight hours before the bill comes to the floor, the whole world can take a look at it. And if you failed to put the earmarks in that disclosure, you are subject to a point of order.

Now, who rules on a point of order here? It is the gentleman sitting in front of the Presiding Officer. He is the Parliamentarian. We turn to him and say: All right, was there full disclosure of the earmarks in the bill? And he rules one way or the other. He doesn't have a dog in this fight. He works for both political parties. That is the way it should be. This is going to be an independent judgment as to these earmarks and whether there is full disclosure.

What about conflicts of interest between Senators and those who are requesting these disclosures? We have to file—each Senator, asking for an earmark for a project at home, has to file a statement on the record that we have no personal or pecuniary interest in this earmark we are requesting. That didn't occur before. That didn't occur before this Congressman went to jail and before this lobbyist went to jail. This is a dramatic change, and that disclosure—that denial of any kind of conflict of interest, or I should say acceptance that we won't have any conflict of interest, is public record. It is there to be seen. If someone violates it, they have made this statement to the committee, it has been disclosed to the public, and the whole earmark is there for the world to see. It is a level of transparency and disclosure which we have never had before.

What troubles me the most about the criticism of the Senator from South Carolina is that he is arguing that the writing of this bill was done ''behind closed doors, in secret.'' Well, there was an opportunity to take this bill to a conference committee. That is when House and Senate Members sit in a room at a table, work out their differences, in public, so that the press and the world can hear the deliberations and see the changes that are made. When we came to the floor and asked for that conference committee so the world could see the whole process, one Senator got up and objected. Does anyone want to guess which one? The Senator from South Carolina who just gave the speech this morning about the secrecy of this process. He can't have it both ways. He cannot object to a conference committee which is open and public, and then when the conference committee doesn't occur, object to what follows. We had no choice but to work out this bill and bring it to be considered by the House and the Senate.

So how did this bill fare on the floor of the House of Representatives that was hit so hard by this culture of corruption and ethical scandals? The final vote was 411 to 8, a bipartisan vote on the floor of the House of Representatives for this ethical reform, and now we hear from the Senator from South Carolina that somehow we have stacked the deck on the Democratic side. That wasn't reflected in the House vote.

Many of his Republican colleagues realize, as we do, that as painful as this is, it is necessary. If we don't have the trust of the American people when it comes to the business we do, then, frankly, many of us who have dedicated our lives to public service are going to be the lesser for it. For all this hard work and all the time we put in, people will always be suspicious: Is that Senator voting for that project because his brother-in-law works there or something? Well, that is going to end with this reform.

The Senator from South Carolina may have wanted more. He may have wanted to do it differently. That is his right. He is a Senator from a State, and he has that right, but he has to be honest and acknowledge that what we have done here is significant change. In the 5 years he was serving over in the House of Representatives, he didn't suggest that the Republican majority change their earmark process, ever. We can't find one single instance when he went to the floor of the House and argued for earmark reform when his party was in the majority. Now that the Democrats are in the majority, he has become outspoken on this issue. That, again, is his right to do so. I welcome it. I will say, conceding to the Senator from South Carolina, you have forced some valuable change in this process. You should take credit for that. But to stand here now and tell us this work product is not real reform flies in the face of comments made by people who have been working for reform in Congress for decades.

They believe this is landmark legislation. To put a 48-hour disclosure—48-hour disclosure—before we can even take up a bill, to put it on the Internet for everyone to see is a level of transparency never before seen in the Halls of Congress in our entire history. It never took place. That is a significant change. It is a change which I think moves us in the right direction.

Let me say a word about earmarks because there is a lot of comment about Members of Congress earmarking money on special projects. The bill I just completed, the financial services bill, we took a look at earmarks. Do you know what it turned out? It turned out the earmarks by the President of the United States were two or three times larger than any requested earmarks by Members of Congress. And there are no requirements under our rules that the administration say there is no pecuniary conflict of interest, no disclosure of 48 hours in advance. They put them in the bill.

But when it comes to Members of Congress, we have changed those rules, in my subcommittee and in other appropriations committees, and it will also apply to tax bills as well. Give me the power to change the punctuation in the Tax Code, and I can make a lot of people happy in a hurry.

So we want to get down to the real business and make sure that whether the earmark is in an appropriations bill or a tax bill, the American people see it from the start, and then they decide. When I run for reelection, my opponent—and I am certain the press—will scour through things I have asked for to see if they can be justified. If they find something they question, I am going to have to answer that question. We make that much easier for the public and for the press to get to the bottom of it.

I would say to my colleague from the State of South Carolina, by ending the K Street Project, by restricting lobbyist activities, by adding dramatic transparency to the Senate rules, we are seeing more reform in this bill than at any time in the history of the Senate or the House. How did we reach this point? Out of embarrassment—embarrassment over a culture of corruption that overtook many of the activities of Congress over the last few years. People have gone to jail. They have paid a heavy price. There have been embarrassments, and I am sure a lot of sadness in many families. But the bottom line is, we have kept our word that this bill, through real reform, and that will make a difference in the way we do business, is going to be passed.

I sincerely hope that an overwhelming, bipartisan majority will support this reform, this rules change when it comes before us today.

If one Senator or any group of Senators is successful in stopping this reform of the rules, this reform of ethics, then they better go home and answer to their constituents. When you pick up the morning paper, you know America is counting on us to do the right thing, and I encourage my colleagues to vote for this legislation.

The PRESIDING OFFICER. The time of the majority whip has expired.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Illinois, but I do have to clarify the facts because his representation of this bill has actually been an obvious misrepresentation. He has said if they certify that all the earmarks have been reported 48 hours in advance, and we have verified that family members have no interest in it, that we can challenge that if we don't believe it is true—but we can't challenge those facts.

I would like to ask the Parliamentarian at this point to confirm that because the way the sleight of hand is worked in this bill is, I can no longer object to the accuracy of the certification. I will just have to object to whether or not it has been certified.

I ask the Parliamentarian this specific question: If a point of order is raised under the earmark disclosure rule in this bill, would the Chair—through the Parliamentarian—be permitted to verify the completeness and accuracy of the disclosure, or would the Chair be required to only recognize whether a certification has been made by the chairman or majority leader?

The PRESIDING OFFICER. The Chair is required to only recognize whether a certification has been made by the chairman or the majority leader.

Mr. DEMINT. Mr. President, I just want to explain to my colleagues that is the crux of this issue. If the accuracy makes no difference—as it hasn't this year when we have gotten certification of disclosure or verification there has been no conflict of interest—if all that has to happen to comply with this rule is the majority leader or the chairman of the committee to say it has been complied with, and if I contest it, that I have no standing because it has been certified, that the Parliamentarian has been sidelined on this issue and can no longer verify whether it is true or accurate, what we have done is created this sham of disclosure that can be covered up by one Member of the Senate. That is why I call it a fraud. That is why I call it a sham. We have put all the language in here, except we have allowed it all to be waived by one Member of the Senate. This is not ethics reform at all.

Mr. President, I ask unanimous consent to set the pending amendment aside.

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina has the floor.

Mr. DEMINT. Mr. President, I call up amendment No. 2506 and ask that it be adopted.

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Yes, there is.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, I would just like to advise my colleagues that the majority has just objected to adopting the DeMint amendment for earmark reform that has been gutted in this rule. This is all we have been asking for throughout the process, that we put in this ethics bill the exact same language we all voted on that was written by Speaker PELOSI, rewritten by Senator DURBIN, and has been gutted in this process, and it is still being called earmark reform. The Parliamentarian has just confirmed for us and the world that the certification is a complete sham.

I thank the President, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I applaud the good work of the Senator from South Carolina in pointing out the defects in this bill. I know he has been criticized for exercising his rights as a U.S. Senator to object to a unanimous consent request that the bill go to conference committee where, as we all know, Republicans and Democrats would ordinarily sit down together and work out a compromise and would then come back to the floor for a vote. But as a result of the process employed by the majority leader, the Democratic leader, and the Speaker of the House, Speaker PELOSI, Republicans have had no opportunity to have any impact whatsoever on the final language of this bill. The only time we will have a chance to voice our views on this bill will be the vote that is coming up now.

So make no mistake about it, the bill we will be voting on is not the product of bipartisan negotiations; it is exclusively the act of the Democratic majority. I think only time will tell whether this bill operates as advertised or whether, as the Senator from South Carolina points out, it is a complete sham, perhaps presenting a patina or a thin veneer of reform, when, in fact, it really is rotten to the core because of the fact that business as usual will continue to be carried on here when it comes to the nondisclosure of the appropriation of Federal tax dollars for special purposes.

REPORTING OF BUNDLED CONTRIBUTIONS

Mr. FEINGOLD. Mr. President, one of the most important provisions contained in S. 1 when it first passed the Senate in January was an amendment offered by the junior Senator from Illinois, Mr. OBAMA, to require lobbyists to report on a quarterly basis the campaign contributions that they collected or arranged for Members of Congress. I was the primary cosponsor of that amendment. The activity the amendment covered is often called ''bundling.'' S. 1, as passed by the Senate, also required lobbyists to report on fundraisers that they host or cohost.

I am very pleased that the final bill maintains the requirement that this information be disclosed. It is important to note, however, that an agreement was reached to move the duty to report this information from the lobbyists to campaigns, in part to protect Members from unfounded allegations that lobbyists had raised political contributions for them when they actually had not. I would like to ask the Senator from Illinois, who worked hard to make sure that a bundling provision was included in the final bill, if section 204 of the bill is designed to capture the same kind of activity that the Obama amendment covered—lobbyists' bundling of contributions and hosting of fundraisers for Federal candidates?

Mr. OBAMA. Mr. President, I respond to my friend from Wisconsin that that is, indeed, the case. The bill requires candidate committees, political party committees, and leadership PACs to report contributions bundled by lobbyists if those contributions total more than $15,000 in a 6-month period. Persons whose bundling has to be reported include individuals, lobbying firms, or lobbying organizations registered or listed on registrations filed under the Lobbying Disclosure Act and political committees established or administered by each registrant or individual listed lobbyist. These persons also include any agent acting on behalf of a registered lobbyist, lobbying firm, or lobbying organization. Thus, if the CEO of a lobbying organization is raising money as an agent of the organization, his activities are covered by the legislation and must be reported. But employees of a lobbying organization, including a CEO, who are not lobbyists listed on the organization's lobbying disclosure reports are not covered, unless they are acting as agents for the organization.

The definition of bundled contributions includes contributions (i) ''forwarded from the contributor or contributors to the committee'' and (ii) contributions ''received by the committee from a contributor or contributors, but credited by the committee or candidate involved . . . to the [lobbyist] through records, designations, or other means of recognizing that a certain amount of money has been raised by the [lobbyist].''

Part (i) of the definition means that any contributions that are physically handled by the lobbyist and are transferred, delivered, or sent to a campaign are considered to be bundled. But in addition, under part (ii), if contributions sent directly to a campaign by the contributors are ''credited'' to the lobbyist, they are also bundled. The ''credit'' doesn't have to be written or recorded because the definition includes ''other means of recognizing that a certain amount of money has been raised.'' So if a lobbyist tells a candidate that he has raised a certain amount of money for the campaign, the lobbyist should be credited with that amount of fundraising, and the bundling must be reported, assuming, of course, that the threshold amount of contributions is met within the 6-month period. This was what we were trying to get at in the amendment that passed the Senate in January—to cover contributions that were physically collected by a lobbyist and transferred to a campaign, contributions that were formally recorded by a campaign as having been raised by a lobbyist, and contributions that a candidate or a campaign was aware had been raised by a lobbyist.

Mr. FEINGOLD. I agree with that. With respect specifically to fundraisers hosted or cohosted by lobbyists, my view is that virtually all such events would be covered by this provision. Is

that how the Senator from Illinois sees it as well?

Mr. OBAMA. Yes, I agree with that view. At many fundraisers, the host of the event collects the checks and gives them to a representative of the campaign. So that would be covered because the contributions have been ''forwarded'' to the campaign. But at some events, a representative of the campaign, or even the candidate, physically receives checks directly from contributors as they arrive or leave, and of course, some checks may be sent in afterward. In that case, the campaign knows the total amount raised, and knows the lobbyist who hosted the fundraiser is responsible for those contributions. Even if no formal records are kept about the money raised at the event, although most campaigns obviously do keep such records, the campaign has credited the lobbyist with that fundraising and it must be reported, as long as the threshold amount is met.

Mr. FEINGOLD. That is my understanding as well of section 204. It requires, however, that a candidate or campaign know that a lobbyist has raised a certain amount of money, not that they are just generally aware that the lobbyist has been fundraising for the campaign.

And it should be understood as well that the term ''raised'' in section 204 includes but is broader than the term ''solicited,'' which is defined in the FEC regulations issued to implement the campaign finance laws. For example, even if a lobbyist does not make a solicitation for a contribution, as the term ''solicit'' has been defined in FEC regulations, the lobbyist will still have ''raised'' a contribution if the lobbyist facilitated the contribution by hosting or cohosting a fundraising event that brought in the contribution.

Mr. OBAMA. That brings up a question that I wanted to clarify. In a situation when a fundraising event is cohosted by a number of different lobbyists, I am concerned that some might want to avoid reporting bundled contributions by dividing up the total receipts of a fundraising event among many sponsors or cohosts of the event. Certainly, that was not our intention. Does my friend from Wisconsin agree with me?

Mr. FEINGOLD. Yes, the purpose of the bundling reporting provision is to get as much disclosure as possible of bundling by lobbyists. In the provision, we have specifically asked the FEC to keep that purpose in mind as it promulgates regulations. The bill requires a committee to report ''each person'' who ''provided 2 or more bundled contributions'' in excess of the ''applicable threshold,'' which is an aggregate amount of $15,000 in a 6-month period. When two or more lobbyists are jointly involved in providing the same bundled contributions—as, for instance, in the case of a fundraising event co-hosted by two or more lobbyists—then each lobbyist is responsible for and should be treated as providing the total amount raised at the event, for purposes of applying the applicable threshold to the funds raised by that lobbyist, and for purposes of reporting by the committee of ''the aggregate amount'' of bundled contributions ''provided by each'' registered lobbyist ''during the covered period.''

It would be acceptable, of course, to report that certain funds were raised jointly in a single event so that by crediting each of the lobbyists involved with the total amount and reporting each lobbyist on the new schedule, the campaign does not suggest that the total amount of contributions bundled is far greater than the amount actually raised. But a campaign should not be able to avoid disclosing, for example, that three lobbyists raised $30,000 in a single fundraiser by claiming that each lobbyist has been credited with only one-third of the total amount. If this evasion were allowed, reporting for any fundraising event could be avoided simply by adding enough lobbyist cohosts for the event so that all of the lobbyists fall below the threshold. We certainly did not intend that result.

Mr. OBAMA. Mr. President, I appreciate the explanations and clarifications offered by the Senator from Wisconsin. The provision in the bill is aimed at requiring the disclosure of bundling, not prohibiting bundling. It must be broadly interpreted by the Federal Election Commission, consistent with its purpose. Indeed, section 204 specifically directs the FEC ''to provide for the broadest possible disclosure'' of bundling activities.

Mr. FEINGOLD. I agree. The Commission should not allow evasion or game playing of any kind, by campaigns, candidates, or lobbyists, to avoid reporting the activities of lobbyists. Section 204, the bundled contributions reporting section, along with section 203, which requires reports of campaign contributions and other payments by lobbyists themselves, is about giving information to the American people about how lobbyists provide financial assistance to Members of Congress and candidates. This information will allow the public to understand much better how Washington works. I congratulate the Senator from Illinois for successfully seeing his amendment through the process and into the final bill.

Mr. OBAMA. I commend my good friend from Wisconsin for his leadership on this issue. He has championed ethics and lobbying reform for many years, and he deserves much of the credit for the crafting of this important bill.

LIMITED TAX AND TARIFF BENEFITS

Mr. DURBIN. Mr. President, I would like to ask the chairman of the Finance Committee a question regarding the implementation of the provisions of the ethics reform bill as they apply to limited tax and tariff benefits. This legislation establishes the principle that the Members of this body and the American people at large should have full disclosure of the source and beneficiaries of legislative provisions that are directed to benefit a limited number of people or entities. The disclosure requirement would apply to limited tax and tariff benefits as well as to congressionally directed appropriations.

Specifically, the new rule states that it shall not be in order to vote on a motion to proceed to consider a bill or joint resolution unless the chairman of the committee of jurisdiction or the majority leader or his or her designee certifies that each limited tax or tariff benefit, if any, has been identified; that the Senator who submitted the request for such item has been identified; and that this information has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before such vote.

For the purpose of implementing this requirement, a ''limited tax benefit'' is defined as a revenue provision that ''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.'' A ''limited tariff benefit'' is defined as ''a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''

Under the rule, a Senator who requests a limited tax or tariff benefit is required to provide a written statement to the chairman and ranking member of the committee of jurisdiction, including, among other things, the name of the Senator and ''in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator.'' It is the responsibility of the requesting Senator to provide such information to the chairman and ranking member of the committee of jurisdiction. The chairman will expect this information to be provided by the requesting Senator and will disclose this information to the public if a requested provision is included in a bill in the chairman's jurisdiction.

The intent of this new rule is to ensure that any Senator who requests a limited tax or tariff benefit discloses to the chairman and ranking member of the Finance Committee the identity of any individual or entities reasonably anticipated to benefit from the provision and that the identity of the Senator who requested the provision and the identity of the individual or entities reasonably anticipated to benefit are made available on a publicly accessible congressional Web site at least 48 hours before a vote on a motion to proceed to the measure that contains the provision. This disclosure applies when a limited number of taxpayers receive a benefit from a provision and the benefit is not uniformly available to other

similarly situated taxpayers solely because the provision does not encompass those other similarly situated taxpayers. Does the chairman agree with this understanding of the proposed rule?

Mr. BAUCUS. Yes, the Senator from Illinois has accurately described the proposed rule and its intent.

Mr. DURBIN. If I may inquire further, I would like to have a clear understanding of how the chairman will implement this rule. Once this rule is adopted, I expect that, as bills and joint resolutions that contain tax or tariff provisions are brought to the Senate floor, the chairman will, before a vote on a motion to proceed to such a measure, publish a list of all limited tax or tariff benefits therein, identifying each of these provisions, the Senator or Senators requesting the provision, and the entities reasonably anticipated to benefit, to the extent known to the requesting Senator.

Am I correct in my understanding that the chairman will make such information public for each tax or tariff provision in the measure that provides a benefit to a limited group of beneficiaries where the provision results in those beneficiaries being treated more advantageously than entities that, in the absence of such a provision, would be considered similarly situated with regard to the portion of the Tax Code affected by the provision?

Mr. BAUCUS. Yes, I plan to provide such a list with regard to legislation in my committee's jurisdiction.

DISCLOSURE OF LIMITED TAX BENEFITS

Mr. BAUCUS. Mr. President, I would like to engage in a colloquy with the ranking Republican member of the Finance Committee about language in this bill regarding the disclosure of limited tax benefits. The ranking member and I have each been chairman of the committee in recent years. And we try whenever possible to work together. And nowhere is that more true than with regard to tax policy.

We have worked together to try to join in a policy about how to interpret the provisions in this bill on limited tax benefits. We hope that by explaining this joint policy now, we can help observers of the tax process to know how we intend to apply this new rule. I believe that the policy that I am about to tribe reflects our jointly held views.

Mr. GRASSLEY. I thank the distinguished chairman, my friend from Montana, for initiating this important discussion. I would like to put this discussion into a broader historical context. For over 20 years, chairmen of the Finance Committee have employed a practice of opposing narrow tax provisions, commonly known as ''rifleshots.'' The legislative change we will discuss in some detail is really a formalization of the practice the Finance Committee has maintained over the past two decades.

Mr. BAUCUS. I thank the Senator from Iowa. And I agree.

So here is our view. We wish to clarify the operation of the proposed rule change related to limited tax benefits. We know that it is impossible to foresee every possible application of the proposed disclosure rule for limited tax benefits. But we hope that this discussion will provide a more complete explanation of how the rule will operate.

For more guidance, we also recommend the interpretative guidelines developed by the staff of the Joint Committee on Taxation in response to the prior-law line item veto. These guidelines may also be applicable to the interpretation of the proposed earmark disclosure rules for limited tax benefits in this bill. The Joint Committee on Taxation documents are called, first, the ''Draft Analysis of Issues and Procedures for Implementation of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCX–48–96, and second, the ''Analysis of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCS–1–97.

The proposed rule in this bill would require the disclosure of limited tax benefits. It would define a limited tax benefit to mean any revenue provision that, first, provides a Federal tax deduction, credit exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and second, contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

The proposed rule would apply in most cases where the number of beneficiaries is 10 or fewer for a particular tax benefit. But the Finance Committee will not be bound by an arbitrary numerical limit such as ''10 or fewer.'' Rather, we will apply the standard appropriately within the unique circumstances of each proposal. For example, if a proposal gave a tax benefit directed only to each of the 11 head football coaches in the Big Ten Conference, we may conclude that the rule would nonetheless require disclosure of this benefit, even though the number of beneficiaries would be more than 10.

We will not limit the application of the proposed rule to proposals that result in a reduction in Federal receipts relative to the applicable present-law baseline. We believe that the proposed rule would have application to limited tax benefits that provide a tax cut relative to present law for certain beneficiaries, like, for example, a tax rate reduction for certain beneficiaries. But we also believe that the rule would apply to limited tax benefits that provide a temporary or permanent tax benefit relative to a tax increase provided in the proposal, like, for example, exempting a limited group of beneficiaries from an otherwise applicable across-the board tax rate increase.

For example, a new tax credit for any National Basketball Association players who scored 100 points or more in a single game would be covered by the rule. And the rule would also cover a new income tax surtax on players in the National Hockey League that exempted from the new income surtax any players who were exempted from the league's requirement that players wear helmets when on the ice.

The rule defines a beneficiary as a taxpayer; that is, a person liable for the payment of tax, who is entitled to the deduction, credit, exclusion, or preference. Beneficiaries include entities that are liable for payroll tax, excise tax, and the tax on unrelated business income on certain activities.

The rule does not define a beneficiary as the person bearing the economic incidence of the tax. For example, in some instances, a taxpayer may pass the economic incidence of a tax liability or tax benefit to that taxpayer's customers or shareholders. The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the incidence of the tax.

In determining the number of beneficiaries of a tax benefit, we will use rules similar to those used in the prior-law line item veto legislation. For example, we will treat a related group of corporations as one beneficiary for these purposes. Without such a rule, a parent corporation could avoid application of the disclosure rule by simply creating a sufficient number of subsidiary corporations to avoid classification as a limited tax benefit under the proposed rule.

For example, if a related group of corporations—like parent-subsidiary corporations or brother-sister corporations—owns a football team, then the related group will be considered one beneficiary. That treatment is analogous to the team being one entity, not separate entities, like the coaching staff, offensive unit, defensive unit, specialty unit, and practice squad.

The time period that we will use for measuring the existence of a limited tax benefit will be the same time period that is used for Budget Act purposes. That is the current fiscal year and 10 succeeding fiscal years. Those are also all the fiscal years for which the Joint Committee on Taxation staff regularly provide a revenue estimate.

For purposes of determining whether eligibility criteria are uniform in application with respect to potential beneficiaries of such a proposal, we will need to determine the class of potential beneficiaries. In the case of a closed class of beneficiaries—for example, all individuals who hit at least 755 career home-runs before July 2007—that class is not subject to interpretation, since only Henry Aaron satisfies this criteria. If, instead, the defined class of beneficiaries is all individuals who hit at least 755 career home-runs, then we will determine the class of potential beneficiaries by assessing the

likelihood that others will join that class over the time period for measuring the existence of a limited tax benefit.

Whether the eligibility criteria are not uniform in application with respect to potential beneficiaries will be a factual determination. To continue with the previous hypothetical, a proposal that provides a tax benefit to all individuals who hit at least 755 career home-runs may still not require disclosure if it is uniform in application. If the same proposal is altered so as to exclude otherwise eligible career home-run hitters who played for the Pittsburgh Pirates at some point in their career, then that kind of a limited tax benefit would require disclosure under the proposed rule.

Some of the guidelines in the Joint Taxation Committee's reports numbered JCX–48–96 and JCS–1–97 would not be directly applicable, but may be helpful in determining the class of potential beneficiaries. For example, the same industry, same activity, and same property rules might provide useful analysis.

So that is how we propose to apply the new rule.

Mr. GRASSLEY. I thank Senator Baucus for taking the time today to shed some light on implementing the limited tax benefits standard. I look forward to working with the chairman as we proceed.

Mr. STEVENS. Mr. President, while I support S. 1, I strongly oppose the provision within it which will require members to fully reimburse private plane flights at so-called fair market value. This requirement is unnecessarily excessive for intrastate travel, it places an undue burden on Members from rural States, and its enactment will come at great expense to American taxpayers.

The Senate's current rule requires members to pay the cost of a first-class ticket any time we travel by private plane. In areas with no regularly scheduled air service, Members pay their proportionate cost of chartering the same or similar aircraft. This rule ensures that Members pay the fair market value of traveling on such aircraft, while at the same time recognizing that private air travel is, at times, a necessity. Because these flights often represent the only way to access rural areas, most Members who travel by private plane do so to complete official business.

While I understand the desire to stem the perception and practice of members traveling in lush private jets, in reality, traveling on these types of aircraft is the exception rather than the rule. In my home state, my staff and I routinely travel in propeller and float planes. These are not luxurious jets. If any Member believes differently, I welcome them to travel with me as I traverse the State from Tuntatooliak to Savoonga.

Alaska does not have the transportation infrastructure found in more densely populated areas of the country. More than 70 percent of our State's towns and villages are not accessible by road year-round. We need to fly in order to reach these remote communities. If a private plane with others aboard is going to the same village I am, I should be able to get on that plane at a reasonable price.

During initial consideration of S. 1 in January, Members of the Senate raised concerns regarding the impact that the revised travel rules had on their ability to meet with their constituents. That measure, as drafted, would not have affected lobbyists—it impacted real people and prevented their elected representatives from responding to the issues they face. As such, I offered an amendment designed to address the concerns of rural State Senators in ensuring their ability to continue to travel around their States. I declined to pursue the amendment on the Senate floor when leadership on both sides of the aisle agreed to consider this matter during conference.

Unfortunately, this matter was not addressed because of the Senate's inability to conference the legislation.

While other travel matters were addressed, such as permitting Members to travel on their own planes or on the planes of their family members, the issue of rural transportation costs was not. Given this unfortunate circumstance, I have again introduced an amendment to address this situation. My amendment would require travel on private planes to be precleared by each Chamber's Ethics Committee to avoid even the appearance of a conflict of interest. It would also allow the committee to set and publicly disclose the rate we pay for each trip.

The private plane provision in S. 1 will not produce meaningful reform and will only increase the amount of money Members need from the Treasury to pay for these flights. Ultimately, it will be the taxpayer who foots this bill, and the only real change will be more money in the pockets of those who own and operate private planes.

A perfect example will come later this month, when a Cabinet Secretary and staff travel to Alaska. We plan to visit several western Alaska communities, and private plane is the only way to reach them in a single day.

Under the Senate's current rule, each individual would pay their share of the charter rate or an equivalent first-class fare. This rule is equitable: The operator of the flight would be paid a reasonable expense for our travel.

Under S. 1, my staff and I would pay fair market value—the entire price of the private plane. The Cabinet Secretary and their staff, according to their department's rules, would also reimburse the company for the costs associated with their travel. Any State and local officials who travel with us will likewise be required to pay for their seats.

The end result of this legislation will be a windfall for companies and a travesty for taxpayers—the very opposite of intended effects. Our system needs transparency, not additional financial burdens for hard-working Americans.

I am told that another provision of this legislation may be of interest to many Members of this Chamber—in fact, I may be the only one it will not affect.

Section 601 of S. 1 will require a sitting President, or a President's campaign, to pay for Members who travel on Air Force One. This provision will make campaigns even more expensive than they are today, and again do very little to increase transparency.

Lobbying reform is necessary, but it cannot harm our ability to do our jobs. Members should disclose flights on private planes, provide the reasons for their travel, and receive approval from the Ethics Committee prior to any travel. However, there is absolutely no reason why each seat should be paid for more than once. By requiring the reimbursement of private flights at fair market value, S. 1 will prevent many Members from serving their constituents effectively. While the majority leader's interest in passing this legislation is understandable, the Senate should ensure it does not adversely impact taxpayers. I urge my colleagues to consider these consequences and adopt my amendment.

Mr. CARDIN. Mr. President, I strongly support S. 1, the Legislative Transparency and Accountability Act of 2007. I urge my colleagues to support this measure, which is the most sweeping reform of ethics and lobbying laws and rules in many years.

I am pleased that we have worked in a bipartisan fashion on ethics and lobbying reform. The American people made their views clear in last year's election, and sent a strong message to Congress to clean up our act.

In January the Senate passed this legislation as our first order of business by a vote of 96 to 2, and the House followed suit by a vote of 411 to 8 earlier this week. I hope that the Senate will once again give overwhelming, bipartisan approval of this legislation, and send it to the President for his signature into law.

I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the United States House of Representatives, and now in the United States Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

The legislation represents a significant change in the way elected officials, senior staff, and lobbyists would do business.

When it comes to how we treat ourselves, this legislation provides much greater transparency in earmarking. It requires that the sponsors of all earmarks, including limited tax and tariff benefits, that are inserted into bills

and conference reports be identified on the Internet at least 48 hours before a Senate vote. The bill requires Senators to certify that they and their immediate family members have no financial interest in the earmark. The bill also creates a point of order against new earmarks added in conference reports for the first time.

When it comes to making how Congress works more transparent, the bill requires conference reports to be available for public review on the Internet 48 hours before a Senate vote. It ends the practice of secret Senate holds which can kill legislation or nominations. It requires all Senate committees and subcommittees to post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

This legislation makes needed reforms to the lobbying industry as well. The bill prohibits lobbyists and their clients from giving gifts, including free meals and tickets, to Senators and their staffs. It requires Senators to pay charter rates for trips on private planes. The bill prohibits Senators and their staff from accepting multiday private travel from registered lobbyists. It requires much greater transparency for lobbyist bundling and political campaign fund activity. The bill requires lobbyists' disclosure filings to be filed quarterly instead of semiannually, and requires these disclosures to be filed electronically and in a publicly searchable Internet database. It increases civil and criminal penalties for lobbyists who break the law.

The bill also takes major stops in slowing the revolving door between Members of Congress, staff, and the private sector. It stops partisan attempts like the K Street Project to influence private-sector hiring. It strengthens the revolving door restrictions by increasing the cooling off period for Senators from 1 to 2 years before they can lobby Congress, and prohibits senior Senate staff from lobbying contacts within the entire Senate for 1 year. It eliminates floor, parking, and gym privileges for former Members who become lobbyists.

Finally, the bill holds Members of Congress and staff accountable by making ongoing ethics training mandatory for Members and staff. It increases civil and criminal penalties for Members of Congress and senior staff who falsify or fail to report items on their financial disclosure forms. It denies congressional retirement benefits to Members of Congress who are convicted of serious crimes related to their official duties, such as bribery.

Former Supreme Court Justice Louis Brandeis' famous dictum still holds true today: ''Sunlight is said to be the best of disinfectants.'' The leadership and Members of Congress will have delivered on their promise to the American people by passing this bill. That is what the American people have asked us to do, and that is what we need to do to regain their trust.

Ms. COLLINS. Mr. President, I rise today to discuss the Honest Leadership and Open Government Act of 2007. This bill has taken on many names and many forms over the last year. While I am pleased to see this Congress at last addressing ethics issues, I am disappointed that the bill is being brought to the floor in this manner and in this form.

Last year, when I was chairman of the Homeland Security and Governmental Affairs Committee, the committee produced a bipartisan bill that the Senate passed in March 2006 by a vote of 90 to 8. That bill never became law, and as a result those issues were never addressed. But when Congress failed to take action, the American people stood up and sent a powerful message. The last election took place in the shadow of far too many revelations of questionable—or downright illegal—conduct by Members of Congress. When we returned to Washington in January, the first priority of this Senate was to take steps to restore the confidence of the American people in their Government.

It is unfortunate that we now find ourselves nearly 7 months later—taking up yet another version of this bill with several provisions that are far weaker than they should be. In particular, I am disappointed that in spite of a 98–0 Senate vote in favor of strong earmark disclosure rules, the provision now before us is weak and riddled with loopholes. I cannot understand why the majority leadership has chosen to ignore the clearly expressed will of the Senate in this way.

I draw my colleagues' attention to the first page of this new bill, in which its purpose is stated as, ''To provide greater transparency in the legislative process.'' This declaration—made without a trace of irony—belies the fact that this version of the bill was developed in closed-door discussions between the majority leader of the Senate and the Speaker of the House. Ethics is not an issue of the right or the left, so why has the process of drafting ethics legislation suddenly become so partisan?

In spite of these reservations, I will support this bill because I believe that it does contain positive provisions that are long overdue. Justice Oliver Wendell Holmes is said to have once noted, ''Sunlight is the best disinfectant,'' and this bill does bring sunlight into some of the dark corners of the legislative process.

The bill requires more frequent filings under the Lobbying Disclosure Act, and more detailed disclosure of lobbyist activities in those reports. In addition, it makes that information readily available to the public via the Internet.

The bill also contains a change to the Senate rules to eliminate, at long last, the undemocratic practice of anonymous holds in the Senate. The hallmark of this body should be free and open debate, and a process that allows a secret hold to kill a bill without a word of debate on the floor is antithetical to that principle.

The bill contains important provisions to slow the so-called revolving door problem where Members of Congress and their senior staffs leave Government jobs and then turn around to lobby the institution they once served.

These provisions—which I note, are substantially the same as those that the Senate passed earlier this year—are a step forward in restoring the American people's confidence in the integrity of their leadership.

In November 2006, the American people sent Congress a message that they had lost faith in the integrity this institution. I will support this bill because it takes a step forward in restoring the people's faith in the work we do here, but unfortunately I am left to conclude that had there been a better process, there would have been a better bill.

Mr. LEVIN. Mr. President, I support the Honest Leadership and Open Government Act.

I have worked for many years to enact meaningful lobbying and ethics reform. In 1995, I helped lead the effort to pass the Lobbying Disclosure Act which helped to open up the world of lobbying, and the billions of dollars spent in it, to the light of day. By requiring paid lobbyists to register and disclose whom they represent, how much they are paid, and the issues on which they are lobbying, this act was a real step forward. A number of scandals over the past few years have illustrated the importance of taking these reforms a step further and this bill does just that.

This bill includes much needed lobbying and ethics reforms, some of which I sought to include in the Lobbying Disclosure Act 12 years ago. It includes provisions to ensure greater transparency and disclosure of lobbyist activities by requiring lobbyists to file their reports quarterly and electronically in an online, public, searchable database. This bill requires lobbyists to disclose to the Federal Election Commission when they bundle or gather over $15,000 in campaign contributions for any Federal elected official, candidate or political action committee. Additionally, lobbyists will be required to disclose their own campaign contributions as well as payments they make to Presidential libraries, inaugural committees or other organization controlled by or named for Members of Congress.

This bill also includes an important provision I authored to require reporting by foreign lobbyists. Foreign lobbyists file their disclosures under the Foreign Agents Registry Act. The forms are difficult to find and hard to understand. This bill will require a publicly accessible, electronic database containing FARA disclosures in the same format that will be in place for registrants under the Lobbying Disclosure Act.

Also included is a strict ban on gifts from lobbyists or their clients to Members of Congress and congressional staff. These perks have no place in Government and I am glad that this legislation will eliminate them.

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to pay for them at the charter rate, not at the current level of a first class commercial ticket, which is but a fraction of the cost.

This bill strengthens restrictions on lobbying for former Senators and former senior Senate staff by prohibiting Senators from lobbying Congress for 2 years after they leave office and prohibiting senior Senate staff from lobbying any Senate office for 1 year after leaving Senate employment. Also included is a provision that prohibits Members and their staff from influencing the hiring decision of private organizations in exchange for political access.

This bill strengthens penalties for Members of Congress who are convicted of crimes that involve violations of the public trust by revoking Federal retirement benefits. It also increases the penalties for Members of Congress, senior staff and senior executive officials who falsify or fail to file financial disclosure forms.

I am also pleased that this bill includes earmark reforms to ensure transparency in the legislative process. Requiring that earmarks included in bills and conference reports are available to the public on line will allow the average American the opportunity to know where their tax dollars are going and it is my hope that it will help ensure the quality of the projects which are funded.

I commend my colleagues in both the House of Representatives and the Senate for working in a bipartisan way to pass this important legislation. Though this bill is not perfect, it is a significant improvement over current law. Some will continue to find ways to circumvent it and undermine the safeguards we put in place. Standing for honesty, openness and accountability in Government will forever be an unfinished task. We must continue to be aware of abuses and understand that further legislation may be necessary in the coming years to ensure the integrity of the legislative process.

Mr. KERRY. Mr. President, as elected representatives, I believe we must hold ourselves to the highest ethical standards. The principle is a simple one. I want to take this opportunity to express my appreciation to Majority Leader REID, Chairman LIEBERMAN and Chairman FEINSTEIN for their work to keep that faith by increasing the ethical standards of the Congress in the legislation that the Senate is considering today.

While not perfect, the Honest Leadership and Open Government Act of 2007 will expand public disclosure of lobbyist activities, increase the transparency of the congressional earmarking process, strengthen the existing gift bans and ''cooling-off periods'' for Members of Congress and their staff, and prohibit Congress from attempting to influence employment decisions in exchange for political access.

I very much appreciate the assistance of Majority Leader REID, Chairman LIEBERMAN, and Senator SALAZAR in including a provision in this legislation that will prohibit Members of Congress who are convicted of serious ethics crimes such as bribery and fraud from receiving Federal pensions. This provision, based on my amendment to the Senate Ethics bill in January, which in turn was based on the Congressional Pension Accountability Act which I introduced with Senator SALAZAR, will go a long way toward rebuilding the trust of the American people. Those who abuse the public trust shouldn't be allowed to exploit the Federal retirement system at taxpayer expense. That is simply unacceptable and this legislation will finally change that inequity in the law.

We all remember just last year, when former Representative Randy ''Duke'' Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? He collected approximately $2.4 million in homes, yachts, antique furnishings and other bribes including a Rolls Royce from defense contractors. This disgraceful conduct a crime which lies beyond comprehension for honest, hard-working American taxpayers has earned him 8 years and 4 months in a Federal prison and has required him to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

Unfortunately, the American taxpayer will continue to pay his Federal pension—a pension worth approximately $40,000 per year. Thanks to this legislation, no longer will taxpayers' hard-earned dollars be used to pay for the pensions of Members of Congress who are convicted of serious ethics abuses in the future.

I believe this legislation will significantly improve our Government by changing the way business is done and helping to ensure that Congress once again responds to the needs of our people, not special interests.

Mrs. FEINSTEIN. Mr. President, I rise to support the reauthorization of the State Children's Health Insurance Program. It is critically important that we continue and improve upon this successful effort that has made a difference in the lives of so many children.

I would like to thank my colleagues, Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY and Senator HATCH, as well as their staffs, for the countless hours they have spent in order to bring this bipartisan compromise before us today.

Like all compromises, the bill is not perfect. I, along with several of my colleagues, voted for a budget resolution that included an additional $50 billion for the reauthorization of the Children's Health Insurance Program. I understand that fiscal constraints make it difficult to fund a sum of that magnitude. But at the same time, no dollar spent to insure a child is wasted.

HISTORY OF THE PROGRAM

I am proud to have supported this program since its inception in 1997. At that time, there were too many working families who played by the rules and could not afford health insurance for their children. They had just a little too much to qualify for Medicaid or other Government programs, but not enough income to be able to afford the premiums that private insurance requires.

So a Republican Congress and a Democratic President came together to create the Children's Health Insurance Program, which has enjoyed a decade of broad bipartisan support.

The success has been clear. Twenty-one percent of the children in California were uninsured when the Children's Health Insurance Program launched. Six years later, in 2005, that rate had fallen to 14 percent, despite economic downturns, which commonly lead to increases in the number of uninsured.

It is now time for a Republican President and a Democratic Congress to come to together to allow this program to continue to fulfill its promise.

SUMMARY OF LEGISLATION

The bill we are considering today will allow this program's success to continue and make significant improvements. This legislation would:

Invest $35 billion to provide health insurance coverage to 3.2 million children who are currently uninsured. This will keep the 6.6 million children already enrolled in the program from losing coverage.

Give States the tools they need to find and enroll these uninsured children. Six million of the nine million uninsured children in the United States today are eligible for Medicaid, or they are eligible for the Children's Health Insurance Program. These families deserve to know they are eligible for coverage, and they ought to receive it without unnecessary bureaucracy and additional paperwork.

TOBACCO TAX INCREASE

These improvements are funded with an increase in the Federal tobacco tax, to $1 per package of cigarettes. Not only will this increase fund needed health insurance for children, it will create significant health improvements.

We must be very clear about the serious implications of tobacco use. It has to be understood that:

Tobacco is linked to at least 10 different kinds of cancer.

Tobacco use accounts for about 30 percent of all cancer deaths.

Tobacco use remains the top cause of preventable death in the United States.

According to the Campaign for Tobacco Free Kids, this tax will prevent an additional 1,873,000 children alive

today from ever becoming smokers. And this prevents them from becoming cancer victims later in life. Of this I am certain.

During my time in the Senate, I have worked to make the eradication of cancer a top priority. I strongly believe that we can eliminate the death and suffering caused by cancer in my lifetime. I have worked with the American Cancer Society, and the National Cancer Institute. I have spoken to leading cancer researchers, and patients and their families.

And over and over again, I have heard that tobacco is a leading cause of cancer.

There is much about cancer that we still do not understand and that we cannot control. But the relationship between tobacco and cancer could not be clearer.

The one thing we can do, immediately, to stop cancer deaths, is to reduce tobacco use. This legislation takes a step in that direction, while providing health coverage for children in the process.

IMPORTANCE OF HEALTH INSURANCE FOR CHILDREN

We know that when it comes to children, health insurance matters. It can determine whether a child receives appropriate treatment, and even if he lives or dies. According to a Families USA study conducted this year,

An uninsured child admitted to the hospital as the result of an injury is twice as likely to die during his or her hospital stay than a child with insurance.

Uninsured children admitted to the hospital with middle ear infections are less than half as likely to get ear tubes inserted than children with insurance.

These are not rare occurrences. As any parent will attest, children get into plenty of accidents, and children get lots of ear infections. No child should suffer a worse outcome because her parents could not afford health insurance.

CHIP IS NOT GOVERNMENT HEALTH CARE

Frankly, I am quite surprised that the Senate is not unanimously endorsing the compromise we have before us today. I was stunned when President Bush indicated he would veto it.

Unfortunately, some are attempting to use this debate to score political points, and in the process, are portraying the Children's Health Insurance Program in an unfair light.

Let us be clear. The Children's Health Insurance Program is not Government-run health care. Doctors, nurses and parents still make medical decisions. And in California, our Healthy Families program relies on commercial managed care plans.

California offers 24 health plans, 6 dental plans, and 3 vision plans.

In fact, 99.72 percent of Californians in Healthy Families have a choice between two health plans.

In four of our largest counties, families can choose between as many as seven plans.

Twenty-four different health plans in one State. That is certainly not a form of ''socialized medicine.'' Many employers providing private insurance cannot afford to give their workers more than one choice.

This legislation remains targeted at the children and families most in need of assistance. I am from San Francisco, one of the most expensive cities in one of the most expensive States in the Nation. No one will deny that it costs more to live in San Francisco than just about any other place in the country. You spend more on groceries, more on housing, more on transportation, and not surprisingly, more on health care. The California Association of Realtors estimates that in order to purchase the average entry level home in California, a family must have a household income of over $96,000 per year.

Yet, with the exception of Alaska and Hawaii, we have a uniform Federal poverty level, which is $20,650 for a family of four. President Bush insists that no family above twice this poverty level, or $41,300, could possibly need additional help to afford health insurance. I strongly disagree.

I would like to challenge anyone to support two children on $41,300 annual income in California, and find the $11,480 necessary to purchase the average family insurance policy. It is nearly impossible. This is precisely why we created the Children's Health Insurance Program 10 years ago, to prevent hard-working families from falling through the cracks.

This legislation maintains the State flexibility necessary to do just that.

CALIFORNIA STORIES

As a mother and grandmother, I know that there are few things worse than having a sick child. I cannot imagine the dilemma of a mother or father who knows that their child needs medical attention, but must also consider whether that treatment will have a catastrophic impact on their family's finances.

The Herman family from Sonoma County, CA, found themselves in this situation, twice in 1 month. Daughter Amber Herman fell and hurt her arm. Three-year-old Jacob shoved a rock in his ear during a family camping trip. Parents Penny and Peter Herman are self-employed small business owners, unable to afford private insurance.

The Hermans faced a $5000 out-of-pocket medical bill for their care. And Penny was pregnant with the couple's third child, Abraham. The family learned they were eligible for Healthy Families, and enrolled in the program. Penny received coverage for her pregnancy from Medi-Cal. All three children now have comprehensive health care coverage.

The Nunez family in Solano County, California never worried about health insurance; they were always covered under their father Pablo's union health plan. Pablo started his own business and he, wife Sandra, and their four children lost their coverage. Through outreach efforts, the family learned a few months later that their kids might qualify for coverage. They did, and all four Nunez children were enrolled in Healthy Families before they had a health care emergency.

These stories show that a robust Children's Health Insurance Program, coupled with good information and a straightforward enrollment process, makes a real difference in the lives of countless families.

CONCLUSION

Without action, these children and many others will risk losing this insurance coverage. It is my hope that the President will reconsider his ill-advised veto threat and sign this bipartisan legislation into law. While the President may want to advance his own health care reform ideas, it is not fair to hold millions of uninsured children hostage in the process. I welcome a wide-ranging debate on how to reform our health care system, after this bill is signed and the State Children's Health Insurance Program is protected.

This is a successful bipartisan program. It must be reauthorized, and the American people must make it clear to President Bush that they will accept no less.

I urge my colleagues to join me in supporting this important legislation.

Mr. CRAIG. Mr. President, the legislation before us today is labeled as an ethics and lobbying reform measure. Unfortunately, legislative labels don't guarantee performance. Just calling a bill ''reform'' doesn't guarantee it will improve the transparency of legislative operations so that the American people can better see what Congress is doing and hold its representatives accountable for their actions.

In this case, I am troubled by the bill we are being asked to support today—a bill prepared without input from Republicans and outside the normal bipartisan, consensus-building legislative procedures of the Congress.

While it contains a number of worthwhile provisions, I cannot agree that it makes the kind of fundamental improvements that its label promises in a number of critical areas.

For example, there has been significant focus on how this bill would change Senate rules concerning ''earmarks''—that is, congressionally directed funding. As a member of the Appropriations Committee, I have been asked about earmarks and have talked frankly with my Idaho constituents and others about this practice. I don't believe in secret earmarks and, in fact, on my Web site I have published a list of all the earmarks I have secured in appropriations legislation since I have been a member of the committee, so that anybody can review them.

In my opinion, the so-called ''earmark reforms'' in this bill are more likely to result in misleading people and gaming the process, rather than opening it up to public scrutiny.

There is more to the bill than its earmark provisions—there are other

flawed provisions as well as worthwhile provisions. It is not unusual for us to be asked to vote on a package including both provisions we agree with and those we don't. Sometimes we overlook the bad, if the package on balance does more good than harm.

But it would be perverse indeed for me to sanction, with my vote, a measure that I believe will frustrate the very goal of ethics reform that it is supposed to accomplish. I cannot pretend that the earmark provisions or other flaws in this bill are unimportant. I cannot ignore the real harm that some provisions of this bill will likely do. For these reasons, I cannot support this legislation.

Mr. FEINGOLD. Mr. President, the bill before us contains, in section 542, a provision to prohibit Senators from attending parties to honor them at the national party conventions if those parties are paid for by lobbyists or organizations that employ or retain lobbyists. The provision originated with an amendment that I offered to S. 1 when the Senate considered S. 1 at the beginning of the year. My amendment passed the Senate on January 17, 2007, by a vote of 89 to 5. I am pleased that the final bill retains this provision and also contains in section 305 a similar provision that will apply to Members of the House of Representatives. I wanted to take a minute to explain the purpose and operation of the provision and why I believe it was an important addition to the bill.

When the Senate adopted the Reid amendment in January to strengthen the lobbyist gift ban, we took a huge step toward eliminating gifts to Members of Congress from lobbyists and groups that lobby. The final bill retained that language, and it is one of the most significant provisions in the bill. But it is important to remember that the lobbyist gift ban is subject to the same exceptions in the gift rule that now apply. Some of these exceptions, like the personal friendship exception and the informational materials exception, are sensible and limited. Others, particularly the widely attended event exception, sometimes allow items of great value to be given to Members. Over the next few years, the Senate should look closely at whether lobbyists will now flock to these exceptions in order to continue to give us gifts. We may need to revisit some of the exceptions in the future.

One application of the widely attended event exception needed to be addressed immediately. At the political party conventions, which many of us attend, lobbyists and groups that lobby have fine-tuned the widely attended event exception and turned it into almost a competition over who can throw the most lavish, the most over-the-top, the most excessive party in honor of a powerful Member of Congress. These parties have become huge gifts to the honored Members. Essentially they allow a Member to host a gigantic party, with an unlimited expense account granted by the generous lobbyist sponsor.

Mr. President, I will ask to have a USA Today story about these parties at the Republican convention in 2004 printed in the RECORD at the conclusion of my remarks.

Here is how that story begins:

On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on ''the most exclusive and prestigious jewels in the world'' at the Cartier Mansion on the edge of New York's Diamond District.

The point is not only to ''indulge yourself,'' as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.

The event is hosted by a group of Washington lobbyists who hope to reinforce their ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers.

The article continues:

Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.

The USA Today story lists some of the other parties. Let me quote again from the article:

House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T, Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.

AT&T also is among the sponsors of a Tuesday ''Texas Honky Tonk for Joe Barton,'' the Texas congressman who chairs the House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

The conventions have thus become giant lobbying festivals. Everyone who wants to get close to powerful Members of Congress is there, or at least everyone with the money to spend on a lavish party honoring a Member.

Here is what one lobbyist said about these parties at the 2004 Republican convention, according to USA Today:

''The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there,'' says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. ''It is a good time to see people and establish personal relationships.''

Another lobbyist commented about the importance of these types of events as follows:

''You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done,'' says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, ''unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble.''

I don't know about my colleagues, but my stomach turns when I read an article like this. And we all know that similar events take place at the Democratic convention. The brazenness of these events as places where monied interests have special access to lawmakers is just shocking. We simply could not go back to our constituents and claim credit for getting rid of gifts from lobbyists if we allowed these kinds of events to continue at the conventions. And so I offered my amendment, and I am pleased that it was adopted in January and included as section 542 in the final bill.

Section 542 does not prohibit parties at the convention, but it does prohibit Senators from accepting free attendance at parties thrown in their honor at the conventions. If an industry group wants to throw a party, fine, but they won't have a congressional guest of honor to use as a lure to get other lobbyists to pitch in and fund the party. And a Senator won't be able to accept a gift of hosting a huge party at the expense of lobbyists and groups that lobby.

According to USA Today, these huge parties honoring Members date back to 1996, just a year after the gift ban was passed. They have increased in recent years, especially since the soft money ban we passed in 2002 prevents corporations from making huge contributions to the political parties. These convention events are one of the few ways that corporations and the lobbyists they employ can show their loyalty to a Member of Congress in a big way. It is time that we close this brazen evasion of the spirit of the gift rules. I am pleased that section 305 and section 542 will do just that.

Mr. President, I ask unanimous consent that the USA Today article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOBBYISTS' LURE TO GOP: 'INDULGE YOURSELF'

(By Jim Drinkard)

NEW YORK.—On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on ''the most exclusive and prestigious jewels in the world'' at the Cartier Mansion on the edge of New York's Diamond District.

The point is not only to ''indulge yourself,'' as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.

The event is hosted by a group of Washington lobbyists who hope to reinforce their ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but

one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers. They are taking advantage of New York's bounty of interesting event sites, from the aircraft carrier USS Intrepid to the 56th floor panorama of the Sky Club on Fifth Avenue.

While similar events were held at the Democratic convention in Boston last month, the New York partying will be more purposeful for one reason: ''The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there,'' says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. ''It is a good time to see people and establish personal relationships.''

Among the hosts for Bonilla's bash are the Wine Institute, which represents California vintners; Christine Pellerin, a former Bonilla aide who lobbies on appropriations matters; and UST, whose tobacco and wine interests fall under the jurisdiction of Bonilla's agriculture subcommittee. Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.

''The entry fee for participation has gone up dramatically,'' says David Rehr, president of the National Beer Wholesalers Association, who is contributing either beer or money to help sponsor nine parties this week. To get top billing as a sponsor for an elaborate event can cost $100,000 or more; lower-level sponsorships are available for $50,000 or $25,000.

Rehr attributes that at least in part to a new campaign-finance law that bars corporations, unions and trade groups from giving big checks known as ''soft money'' to the political parties. Staging lavish parties ''is now the only legitimate outlet for soft money,'' he says. ''People have this pool of money and want visibility, or to show their commitment or loyalty, and to advance the reputation of a particular member (of Congress) or cause. So the parties are more lavish, the venues are bigger, the bands are bigger names than ever before.''

Top sponsorship for a Wednesday night benefit concert at Rockefeller Center costs $250,000. The event is being organized by Senate Majority Leader Bill Frist of Tennessee for his World of Hope foundation, which seeks to alleviate AIDS and other health problems in Africa. Frist's aides declined to name top sponsors.

The longest-running convention party is the one being thrown all four nights of the convention to honor Rep. John Boehner, R-Ohio, chairman of the House Committee on Education and the Workforce. It's at the Tunnel, a former nightclub on Manhattan's West Side.

The party-every-night tradition goes back to the GOP's San Diego convention in 1996, where nightly bashes for Boehner—then a member of the House leadership—got a reputation as the best events in town. Boehner's lobbyist friends replicated it at a Philadelphia warehouse in 2000 and are doing it again this year. The effort is led by Bruce Gates, a lobbyist for Washington Council Ernst & Young, a firm whose client list includes employers such as General Electric, Ford, AT&T and Verizon.

House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T, Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.

AT&T also is among the sponsors of a Tuesday ''Texas Honky Tonk for Joe Barton,'' the Texas congressman who chairs the House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

Koch Industries, a Kansas-based oil company, is putting on a reception Thursday for Sen. George Allen of Virginia at the Rainbow Room at Rockefeller Center. BellSouth, Coca-Cola, Home Depot, UST and the Southern Co. are throwing a late-night party on Wednesday for Sens. Lindsey Graham of South Carolina and Saxby Chambliss of Georgia at the Supper Club in midtown Manhattan.

Among the busiest sponsors this week will be the American Gas Association, a trade group that represents 192 local natural gas utilities. They're putting on at least nine shindigs, from a ''Wildcatter's Ball'' honoring Sen. James Inhofe of Oklahoma, chairman of the Senate Environment and Public Works Committee, to a ''Wild West Saloon'' with the Charlie Daniels Band for Rep. Richard Pombo of California, chairman of the House panel that oversees natural resources.

All of it provides lobbyists with an efficient way to do their work. ''You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done,'' says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, ''unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble.''

GOP'S WEEK EVENT-PACKED

Some of this week's events at the Republican convention:

Welcome reception for party donors aboard the aircraft carrier USS Intrepid, now a museum in the Hudson River with a view of the Manhattan skyline from its flight deck.

Golf tournament for donors at the Trump National Golf Club in Westchester County.

Brunch for Senate candidate John Thune of South Dakota aboard the Enterprise V, Amway Corp.'s gleaming, 165–foot, blue-and-white yacht.

''Space Jam 2004'' party for House Majority Leader Tom DeLay of Texas at Studio 450.

Dinner for the staff of the House and Senate commerce committees at Blue Water Grill, one of Manhattan's most popular restaurants with a ''sultry downstairs jazz room.''

A Metropolitan Museum of Art reception for Senate Majority Leader Bill Frist of Tennessee at the ''Temple of Dendur,'' an Egyptian temple dating to 15 B.C.

A Yankee Stadium fundraiser at the Yankees-Indians baseball game for Rep. Jerry Weller of Illinois. Tickets: $1,500, or two for $2,500.

''Breakfast at Tiffany's'' with Libby Pataki, wife of the New York governor.

The Republican Governors Association ''Rocks the Planet'' at Planet Hollywood in Times Square.

Martina McBride concert for Georgia's congressional delegation at the Roseland Ballroom.

Mr. DODD. Mr. President, earlier this week the House and Senate Democratic Leadership—forced to forgo a formal conference by one Republican Senator's insistence on blocking this bill—made public their comprehensive new ethics reform legislation. This legislation is historic, an important next step in the process of restoring the confidence of Americans in the legislative process. Designed to bolster congressional accountability, make the legislative process fairer and more transparent, and regulate more tightly the relationships between Members of Congress, executive branch officials, and lobbyists, it deserves our full support.

After being stymied by serious procedural hurdles in the last Congress, earlier this year in the Senate we passed a tough, comprehensive, bipartisan bill of which this body can be very proud. Regrettably, this week we had to overcome a filibuster by my Republican colleagues to get this bill to this point—a filibuster on a bill very similar to the earlier Senate-passed bill for which many of them voted. I congratulate my colleagues on voting earlier today to overcome objections from those who attempted to block its progress.

We should adopt this bill today without changes and send it to the President for his signature. It is important that Congress act quickly on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence, already low, has been further shaken by recent lobbying scandals and investigations, some involving funding earmarks. Bringing this bill to the floor as the first piece of legislation in this Congress was an indication of the depth of our commitment to restore the confidence of Americans in that process; I commend the majority leader for making this measure a priority and for pressing forward relentlessly, through many obstacles, to get this final version to the floor.

This bill, which passed the House by an overwhelming vote of 411 to 8 earlier this week, reflects the approach we took last year in developing reform legislation. I commend our Rules Committee chair Senator FEINSTEIN, along with Chairman LIEBERMAN of the Homeland Security and Governmental Affairs Committee, for working with our leaders to develop this strong bill. It is the final step in a lobbying reform process which has taken several years to come to fruition.

Let's remember why we are here: because of a need to respond to the crisis in confidence of the American people following the Jack Abramoff scandal in the House, a matter involving the bribery conviction of a Member of that body, and legal proceedings against certain other congressional and administration officials involving allegations of lobbying-related improprieties. The serious violations that have lead to last year's guilty pleas by former House Members and staff and the activities of Abramoff and his cronies in

which they violated lobbying, gift, and ethics rules have helped to create a climate of disillusionment and distrust of Congress. Americans made very clear in the last elections that cleaning up this process was a priority for them; it must also be a priority for us.

This comprehensive reform bill will help reduce the risk of future wrongdoing by lobbyists and officeholders. It is important to strengthen our current rules and procedures, where we can, to avoid future problems. But enforcing current rules is not enough; that is why we should adopt these tough new reforms today. And let me say that by making these changes we impugn no one in this body—I know my colleagues, many of whom I have worked with for decades, to be men and women of integrity, their behavior above reproach.

Regulating the relationships between lawmakers and lobbyists is not new. In 1876, the House tried to require lobbyists to register with its clerk, but enforcement was weak and not much came of these efforts. In the early 1930s, Congress held hearings on lobbying abuses, with little result. In 1938, the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional minor reforms were implemented in the sixties, and then the Lobbying Disclosure Act of 1995 and new Senate gift and travel rules followed. And now this reform measure, the most sweeping of its kind since Watergate, will help shed further sunlight on the legislative process and illuminate how special interests influence that process.

It is clear that real, enforceable ethics reforms do work. Such reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and the honoraria ban, both of which I was privileged to play a role in, and other key reforms have helped ensure greater transparency and accountability to those whom we represent. But we must do more, and that is what this effort is about.

When we initially considered this legislation many months ago, Members from both sides of the aisle offered their ideas to improve the bill on the floor, which were incorporated into the final bill. That measure then passed 96 to 2. While some may quibble with the way one or another provision was finalized, virtually all of the bill's major elements have been retained in some form, and that is why this is a very strong product. Our leader rightly called it the strongest reform bill since the Watergate era; we should be proud to support it.

Since others have detailed what is in this bill—including provisions to slow the revolving door between Congress and the lobbying industry; tough new conflict of interest and postemployment rules; expanded disclosure of lobbyists' activities, including campaign-related activities; tightening of gift and travel rules; increased enforcement; requiring Members to pay charter rates to fly on private aircraft, and the like—I will not spend time doing that here. Suffice it to say this is a very strong bill, worthy of our support.

Finally, let me say a word about what I think is the elephant in the room on congressional reform efforts, and that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money. Ultimately, this is more significant than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

My preferred reform approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. But I hope this will be just the first step in a process that will include comprehensive campaign finance reform. It took us years to enact the McCain-Feingold law, and it will likely take at least as long to enact a more comprehensive bill; we should get started on that effort as soon as possible. Real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system, which has served Democratic and Republican candidates—and all Americans—for 25 years.

The American public is way ahead of us on this issue. Too many believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor-seekers.

Our system derives its legitimacy from the consent of the governed. That is put at risk if the governed lose faith in the system's fundamental fairness and in its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest. Nowhere is the need for reform more urgent than on campaign finance. In the Rules Committee we held a recent hearing on the issue; I hope we will keep moving forward on it, and I intend to contribute to that debate as I have before.

I end where I began, with a concern about the confidence of Americans in Congress. Our credibility, and the credibility of the legislative process, is at stake. Let's not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finance system. But in the wake of overwhelming approval by the House, let's adopt this measure and get it signed by the President, recognizing that it is an important next step in the reform process.

I again congratulate the majority leader for bringing this legislation back to the Senate floor and look forward to seeing it enacted into law so that we can help to begin to restore the confidence of the American people in the legislative process. I urge my colleagues to join me in voting aye.

Mr. KOHL. Mr. President, in the past few years, the newspapers were consistently laden with stories of scandal at every level of government. In November, the American people told us that they were tired of Congressional corruption. And today, the Senate finally acted. Despite countless hurdles and setbacks, today Congress will pass the most significant overhaul of lobbying and ethics rules in decades, and in doing so will fundamentally change the way we do business here.

Just as I did last year when I spoke on similar legislation, I want to make it clear to my constituents that I take no contributions from special interest PACS or lobbyists. I am beholden to no one except the people of Wisconsin, and I hold myself and my office to the highest standard of conduct regardless of any legislation.

But the growing number of scandals—and the strengthened voice of the American people against that corruption—made clear the need for this legislation. I have heard some of my colleagues on the other side of the aisle argue that this bill does not constitute true change. While these individuals focus on what they see as shortcomings, I choose to focus on the monumental reforms contained in the bill. The bill includes important restrictions on gifts and travel from lobbyists. It prevents a ''revolving door'' scenario, one in which Senators and senior staff are given complete access to lobby their former colleagues. Finally, the legislation restores common sense in its treatment of convicted Members of Congress by denying them Congressional retirement benefits.

I also support the earmark provisions contained in the bill. These bring an unprecedented amount of transparency to the earmarking process. It requires earmarks included in bills and conference reports to be identified on the Internet at least 48 hours before the Senate votes. Last minute additions to conference reports are subject to a 60-vote point of order under this bill. Every American deserves to know how their tax dollars are being spent, and I believe this bill helps our constituents do just that.

I will continue to represent the people of Wisconsin without regard to special interests. And I will continue to

hold myself and my office to the highest levels of accountability. It is my hope that this legislation will restore the trust of the American people, a trust eroded by so many Congressional scandals. It has been a long time coming, but the passage of this legislation today marks a new way of doing business in Washington, one that the voters have demanded and the people deserve.

Mr. SCHUMER. Mr. President, I rise today in support of S. 1, the Honest Leadership and Open Government Act. I would first like to extend my condolences to all those affected by the tragedy in Minneapolis. I watched the dramatic footage with horror and I can only hope we can quickly find the cause of this disaster and do all we can to prevent something like this from happening again.

This ethics bill is the product of many hours of hard work, and I commend Leader REID and Senators FEINSTEIN and LIEBERMAN for their leadership and determination in getting this done. Make no mistake. Today, this body is considering the greatest overhaul of legislative rules and procedure in generations. This ethics bill has passed the House overwhelmingly, and we should do the same without any further delay.

Last November, the American people sent a strong message to its leaders and that message read, ''Enough is enough!'' The people said, ''No more scandals! No more shady dealings!'' The people saw that Congress had needed to fix gaping holes in its ethics rules, and they voted for people they believed would make those changes.

So keeping with our promise to the American people, we developed comprehensive ethics and lobbying reform with an eye towards a quick passage. Back in January, this reform passed with a vote of 96–2. Unfortunately, the will of the people and the efforts of the Senate were stymied and we had to return to square one.

With this bill, however, we have overcome this obstruction and have a chance to pass what is being called ''landmark'' legislation by the reform community. And not a moment too soon. The American people expect their elected leaders to abide by the highest moral and ethical standards. We need to do everything we can to not disappoint them. The conversation at the dinner table should not be about how we let them down. It should not be about how the American people have lost trust in us. And that is why this legislation—and the corresponding message—is so important. It seeks to restore that trust that eroded over the past decade.

With this reform, we are closing loopholes, enacting restrictions, and creating transparency. These new rules are substantively the same as those passed by this body back in January; any statements to the contrary are simply false.

First and foremost, this bill will improve the culture in Washington by substantively changing the way that lobbyists interact with elected officials. The American public neither wants nor deserves another Abramoff scandal. With this bill, they can now be assured of clean and transparent interactions between K Street and the Hill. Rules will be placed on the travel and gifts that legislators can accept from lobbyists, and the revolving door between public and private employment will be slowed.

Additionally, lobbyists now face additional disclosure requirements. They must now file their disclosure forms twice as often, and certify that they have not given gifts of travel in violation of Senate or House rules. Lobbyists' participation in the campaign process must also be disclosed. Lobbyists must list their campaign contributions, and campaign committees must disclose the names of lobbyists that ''bundle'' contributions to the candidate.

These sweeping changes do not just apply to the lobbyists interactions but also to us and our conduct in the legislative process. This bill will change Senate procedure in various ways and seeks to end ''anonymous holds'' that hamper and disrupt the business of this body.

Additionally, this bill will shine new light onto the sometimes murky earmark process with new levels of transparency. For the first time, all earmarked appropriations and their sponsors must be disclosed to the public on the Internet at least 48 hours prior to Senate action. Not only will this provide the American people with a greater understanding of how their tax dollars are being spent, but it allows for a more comprehensive debate on the Senate floor to help ensure we are spending those same tax dollars wisely. Furthermore, each Senator must now certify that neither they nor their immediate family members will profit from any earmark they are requesting. This lends legitimacy to the projects that we fund, reassuring Americans that they are indeed necessary, and not just enriching politicians and their friends.

When we were all voted into office, the public enlisted their trust in us to act appropriately. We must not take that responsibility lightly. We must always strive for the high ground—where the process is clean and clear, and where the behavior is exemplary.

America expects nothing less from us.

So, Mr. President, I urge all my colleagues to support this monumental bill, and I hope that the Senate sends a message to the American public that we too are sick of corruption, shady dealings, and lies. This bill will take a giant leap forward to end that behavior. We cannot—and should not—wait any longer.

Mrs. FEINSTEIN. I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill we are about to vote on, including legislative history endorsed by the three principal Senate authors of the legislation: myself, Chairman LIEBERMAN and Majority Leader REID.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007 SECTION BY SECTION ANALYSIS AND LEGISLATIVE HISTORY

TITLE I CLOSING THE REVOLVING DOOR

Section 101. Amendments to restrictions on former officers, employees and elected officials of the executive and legislative branches

This section prohibits very senior executive personnel from lobbying the department or agency in which they worked for 2 years after they leave their position. It bans Senators from lobbying Congress for 2 years after they leave office and bans senior Senate staff and officers from lobbying the Senate for 1 year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment, are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator. Section 101 also makes technical and conforming changes to 18 U.S.C. §207(e).

Section 102. Wrongfully influencing a private entity's employment decisions or practices

Section 102 prohibits members from influencing hiring decisions of private organizations on the sole basis of partisan political gain. It subjects those who violate this provision to a fine and imprisonment for up to 15 years. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 103. Notification of post-employment restrictions

This provision directs the Clerk of the House and the Secretary of the Senate to inform Members, officers, and employees of the beginning and end dates of their post-employment lobbying restrictions under 18 U.S.C. §207. It also requires the Clerk and Secretary to post such notifications on their Internet sites.

Section 104. Exception to restrictions on former officers, employees, and elected officials of the executive and legislative branch

This section removes any confusion as to whether lobbying rules apply to former federal legislative and executive senior staffers who go to work for Indian tribes, tribal organizations and inter-tribal consortia immediately after their federal employment.

The amended tribal provision applies lobbying restrictions to those former federal employees who do not work directly for tribes or the exempted tribal entities or who represent an entity in an unofficial capacity or on non-governmental matters.

Section 104 removes any ambiguity that federal employees who are assigned to Indian tribes, tribal organizations or inter-tribal consortia may represent the Indian entity before a federal agency, department or court without violating lobbying laws. Further, this section removes any ambiguity that only those former federal executive and legislative branch employees who go to work for tribes, tribal organizations and inter-tribal consortia and who perform official governmental duties associated with tribal governmental activities or Indian programs and services are exempt from lobbying laws.

Under the provision, only ''tribal organizations'' (for example, a tribal or village governing body) or ''inter-tribal consortia'' (defined as, a coalition of tribes who join to undertake self-governance activities) may employ former officials, who may be exempted. And, only employees of these entities who act on behalf of these entities and who participate in matters related to a tribal governmental activity or federal Indian program or service may be exempted.

Importantly, the amendment preserves federal policy that encourages former federal employees to go to work directly for Indian tribes and tribal organizations that provide governmental services.

Section 105. Effective date

The effective date for section 101 is for individuals that leave federal office or employment on or after the date of adjournment of the first session of the 110th Congress sine die, or December 31, 2007, whichever is earlier. Section 102 will become effective upon enactment. Section 103 requires the Secretary to begin issuing notifications after 60 days, and all notifications must be published on the Internet as of January 1, 2008. Section 104 goes into effect upon enactment; however the post-employment restrictions go into effect for individuals that leave federal employment on or after 60 days after enactment.

The new ''revolving door'' restrictions are effective only for officials or employees that terminate office or employment on or after the relevant effective date. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

TITLE II FULL PUBLIC DISCLOSURE OF LOBBYING

Section 201. Quarterly filing of lobbying disclosure reports

Section 201 increases the frequency of lobbying disclosure reports from semiannually to quarterly filings, with required adjustments to dates, thresholds, etc. A number of practical consequences result from the changes in section 201. For instance, exempted from filing are those whose total income from lobbying activities does not exceed $2,500 or for whom total expenses in connection with lobbying activities do not exceed $10,000. The changes in the section decrease the threshold amounts that trigger required disclosures of earned income or expenses from clients on lobbyist disclosure reports from $10,000 to $5,000, and require registrants to round income and expenses to the nearest $10,000.

Section 202. Additional disclosure

This provision requires that lobbyists disclose whether their client is a State or local government or a department, agency, or other instrumentality of a state or local government on their reports filed under the Lobbying Disclosure Act.

Section 203. Semiannual reports on certain contributions

This section requires lobbyists to disclose semiannually their name, their employer, the names of all political committees that they established or control, the name of each Federal candidate, officeholder, leadership PAC or political party committee to whom they have contributed more than $200 in that semiannual period, payments for events honoring or recognizing federal officials, payments to an entity named in honor of a covered federal official or to a person or entity in recognition of such official, payments made to organizations controlled by such official, or payments made to pay the costs of retreats, conferences or similar events held by or in the name of one or more covered federal officials, and contributions to Presidential library foundations and Presidential inaugural committees in that semiannual period. To avoid duplicative reporting, the bill provides an exception for payments made to committees regulated by the Federal Election Commission with respect to the provisions relating to disclosure of payments made to events honoring or recognizing federal officials, to entities named in honor or recognition of federal officials, to organizations controlled by such officials, and to pay the costs of meetings, etc. held by officials. All of this information would already be reported elsewhere under provisions in this bill or under reporting required by the Federal Election Commission Act.

Section 203 also requires a certification by the lobbyist filing the disclosure report that the person is familiar with House and Senate gift and travel rules, and has not provided, requested, or directed a gift, including a gift of travel, to a Member, officer, or employee of Congress with knowledge that receipt of the gift would violate the relevant rules.

The bill directs the Clerk of the House and the Secretary of the Senate to submit a report to Congress on the feasibility of requiring such reports to be made on a quarterly rather than semiannual basis and expresses the sense of Congress in favor of moving to quarterly reporting in the future if it is practically feasible to do so. After the report is filed by the Clerk and the Secretary, an affirmative vote of Congress will be required to alter the frequency of the filing period.

Section 204. Disclosure of bundled contributions

This section requires certain political committees to disclose to the Federal Election Commission (FEC) the name, address and employer of each current registered lobbyist who has provided the committee with bundled contributions in excess of $15,000 in each six month period defined in statute. The aggregate amount of contributions is measured on a non-cumulative basis in each six month period.

The definition of ''bundled contribution'' in this section contains two prongs. Subparagraph 204(a)(8)(A)(i) covers the situation where a lobbyist physically forwards contributions to the campaign. Subparagraph 204(a)(8)(A)(ii) covers the situation where contributions are sent directly by contributors to the committee, but where the committee or candidate credits a registered lobbyist for generating the contributions and where such credit is reflected in some form of record, designation or recognition. An example of such designations would include honorary titles within the committee; examples of such recognition include access to certain events reserved exclusively for those who generate a certain level of contributions or similar benefits provided by the committee as a reward for successful fundraising.

The disclosure requirement is not triggered by general solicitations of contributions, or where a registered lobbyist attends an event or an event is held on the premises of a registrant. An event hosted by a registered lobbyist may trigger the disclosure requirement if the committee credits the lobbyist with the proceeds of the fundraiser through record, designation or other form of recognition, as described in the preceding paragraph.

This provision covers only contributions credited to registered lobbyists, as defined in subsection 204(a)(7). Contributions credited to others, including others who may share a common employer with, or work for a lobbyist, are not covered by this section so long as any credit is genuinely received by the non-lobbyist and not the lobbyist.

Subparagraph 204(a)(8)(A)(ii) requires that the contribution be credited by the committee or ''candidate involved.'' The candidate ''involved'' in the case of a principal campaign committee is the candidate for whom the committee is the principal campaign committee; the candidate ''involved'' in the case of a Leadership PAC is the candidate who directly or indirectly establishes, finances, maintains or controls the Leadership PAC; and the candidate ''involved'' in the case of a political party committee is the chairman of the committee.

The definition of ''Leadership PAC'' in 204(a)(8)(B) is intended to recognize the FEC rule on a related topic at 68 Fed. Reg. 67013 (December 1, 2003)—a Leadership PAC associated with a given Member of Congress is not deemed to be ''affiliated'' with that office holder's principal campaign committee for purpose of contribution or expenditure limits under the Federal Election Campaign Act.

Section 205. Electronic filing of lobbying disclosure reports

Section 205 requires lobbying disclosure reports to be filed in electronic form, and directs the Clerk of the House and Secretary of the Senate to use the same electronic software for receipt and recording of the filings.

Section 206. Prohibition on provision of gifts or travel by lobbyists that are registered or required to register under the LDA, to Members of Congress and to congressional employees

This provision prohibits registrants and lobbyists from providing gifts or travel to covered legislative branch officials with knowledge that the gift or travel is in violation of House or Senate rules.

Section 207. Disclosure of lobbying activities by certain coalitions and associations

This section amends existing rules in section 4(b)(3) of the Lobbying Disclosure Act requiring reporting of ''affiliated organizations.'' The bill closes a loophole that has allowed so-called ''stealth coalitions,'' often with innocuous-sounding names, to operate without identifying the interests engaged in the lobbying activities. Section 207 requires registrants to disclose the identity of any organization, other than the client, that contributes more than $5,000 toward the registrant's lobbying activities (either directly to the registrant or indirectly through the client) in a quarterly period and actively participates in the planning, supervision, or control of such lobbying activities.

The new provision includes several exceptions to narrow the rule. First, it does not require disclosure of an organization or entity that would otherwise be identified if the client already lists the organization or entity as a member or contributor on its publicly-accessible website. In such cases, the registrant must report the specific web page that includes the relevant information. If the entity would have been disclosed under the existing rule 4(b)(3) language (as adjusted, i.e., the entity contributes $5,000 per quarter to the lobbying activities and in whole or in major part plans, supervises, or controls the lobbying activities), however, that entity must still be disclosed. Second, the new rule makes clear that it does not require disclosure of individuals that are members of or donors to a client or an entity identified as an affiliated entity.

The provision requires disclosure only of organizations or entities that ''actively participate'' in the planning, supervision, or control of the lobbying activities described in the report. Entities or organizations that have only a passive role—e.g., mere donors, mere recipients of information and reports, etc.—would not be considered to be ''actively participating'' in the lobbying activities.

Section 208. Disclosure by registered lobbyists of past executive branch and congressional employment

This provision amends the requirement under the Lobbying Disclosure Act that lobbyists disclose their executive or legislative employment in the preceding two years. Specifically, section 208 extends the disclosure to include executive and legislative branch employment in the preceding 20 years.

Section 209. Public availability of lobbying disclosure information; maintenance of information

Section 209 directs the Secretary of the Senate and the Clerk of the House to maintain and provide online access to an electronic database in a searchable, sortable, and downloadable manner, that includes the information contained in registrations and reports filed under this Act for a period of 6 years after they are filed and provides an electronic link to relevant information in the database of the Federal Election Commission.

Section 210. Disclosure of enforcement for noncompliance

This section requires the Secretary of the Senate and the Clerk of the House to publicly disclose on a semi annual basis the aggregate number of lobbyists and lobbying firms referred to the U.S. Attorney for the District of Columbia for noncompliance with the Lobbying Disclosure Act. It also requires the Attorney General to report semiannually to Congress on the aggregate number of enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act and the amount of fines and prison sentences imposed.

Section 211. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements

Section 211 increases the civil penalty for violations of the Lobby Disclosure Act from $50,000 to $200,000. It imposes a criminal penalty of up to five years for knowing and corrupt failure to comply with the Act.

Section 212. Electronic filing and public database for lobbyists for foreign governments

This provision amends the Foreign Agents Registration Act (FARA) to require that mandatory registration statements or updates be filed electronically, in addition to any other form that may be required by the Attorney General. It requires the Attorney General to maintain a searchable and sortable electronic database, made publicly available on the Internet, that includes the information contained in registration statements and updates filed under FARA.

Section 213. Comptroller general audit and annual report

Under Section 213, the Comptroller General will annually review random samples of publicly-available registrations and reports filed by lobbyists, lobbying firms, and registrants and evaluate compliance by those individuals and entities with the Lobbying Disclosure Act—i.e., it will review the same registrations and reports that are available to the public. The GAO is required to report annually to Congress on its findings. The report will include recommendations to Congress on improving compliance and providing the Department of Justice with the resources and authorities necessary for effective enforcement. Under this provision, it is intended that the GAO audit lobbyist compliance with the Lobbying Disclosure Act; the provision does not give the GAO authority to audit the Secretary of the Senate or the Clerk of the House's activities under the LDA, including receipt, compilation, dissemination and/or review of information filed under the LDA.

Section 213(c) authorizes the Comptroller General to request and receive information from lobbyists, lobbying firms and registrants. This section provides the Comptroller General with the tools necessary to evaluate whether the information included by lobbyists, lobbying firms and registrants in the reports filed under this Act is accurate and complete, and thus whether these individuals and entities are complying with the Act. Nothing in this section provides authority for the GAO to obtain information protected by the attorney-client privilege.

Section 214. Sense of Congress regarding lobbying by immediate family members

Section 214 expresses the Sense of Congress that the use of family relationships by a lobbyist who is an immediate family member of a Member of Congress to gain special advantage over another lobbyist is inappropriate.

Section 215. Effective date

Sections 201, 202, 205, 207, 208, 209 and 210 apply to information in periods on or after January 1, 2008, and for subsequent registrations and reports. Section 203 goes into effect on the first semi-annual reporting period that begins after enactment. Section 204 goes into effect 90 days after the FEC has promulgated final regulations. Sections 206 and 211 go into effect upon enactment. Section 212 goes into effect 90 days after enactment. Section 213 requires the first audit to be done with respect to filings in the first calendar quarter of 2008 and the report to Congress be completed within 6 months after that quarter, with annual reports thereafter.

TITLE III STANDING RULES OF THE HOUSE

Title III includes changes to the Rules of the House. Information provided with respect to Title III simply summarizes the provisions of the Act and is not meant to be authoritative legislative history with respect to the provisions in that Title.

Section 301. Disclosure by Members and staff of employment negotiations

This provision prohibits House Members from engaging in any agreements or negotiations with regard to future employment or salary until his or her successor has been selected unless he or she, within three business days after the commencement of such negotiations or agreements, files a signed statement disclosing the nature of such negotiations or agreements, the name of the private entity or entities involved, and the date such negotiations commenced with the Committee on Standards of Official Conduct. It requires that Members recuse themselves from any matter in which there is a conflict of interest or an appearance of a conflict, and that Members submit a statement of disclosure to the Clerk for public release in the event that such a recusal is made. It requires senior staff to notify the Committee on Standards of Official Conduct within three days if they engage in negotiations or agreements for future employment or compensation.

Section 302. Prohibition on lobbying contacts with spouse of Member who is a registered lobbyist

Section 302 amends House Rules to require that Members prohibit their staff from having any lobbying contact with the Member's spouse if such individual is a registered lobbyist or is employed or retained by a registered lobbyist to influence legislation.

Section 303. Treatment of firms and other businesses whose members serve as House committee consultants

This section clarifies that when a person is serving as a House committee consultant, other members and employees of that person's employing firm, partnership, or other business organization, shall be subject to the same lobbying restrictions that apply to that individual under the Rules.

Section 304. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives

Section 304 directs the Clerk of the House of Representatives to develop a publicly available, searchable, sortable and downloadable website by August 1, 2008 to post Members' travel information that is required to be disclosed under rule XXV of the Rules of the House of Representatives.

It directs the Clerk of the House of Representatives to post on a publicly available website by August 1, 2008 Members' financial disclosure reports required to be filed under section 103(h)(1) of the Ethics in Government Act. Allows Members to omit personally identifiable information from these forms.

Section 305. Participation in lobbyist sponsored events during political conventions

This section prohibits Members from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Member is the party's presidential or vice presidential nominee.

Section 306. Exercise of rulemaking authority

This provision acknowledges that the House adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the House to change those rules at any time.

TITLE IV CONGRESSIONAL PENSION ACCOUNTABILITY

Section 401. Loss of pensions accrued during service as a Member of Congress for abusing the public trust

Section 401 prohibits Members from receiving their pension earned while serving in Congress if convicted of bribery, perjury, conspiracy or other related crimes in the course of carrying out their official duties as a Member of Congress.

TITLE V SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Section 511. Amendments to Rule XXVIII

Section 511 amends certain provisions of Rule XXVIII of the Standing Rules of the Senate, and adds a new provision to the Rule. Rule XXVIII currently provides for a point of order to be made against a conference report if the conferees add ''new matter'' ''not committed to them by either House.'' (The current rule also includes language purporting to prevent conferees from ''strik[ing] from the bill matter agreed to by both Houses.'' The bill authors, in consultation with the Parliamentarian, could not identify a situation in which this language could ever have effect. When there are amendments in disagreement, the conferees have no authority over matter not in disagreement, and thus could not strike such material. When a disagreement to any amendment, including an amendment in the nature of a substitute, has been referred to conferees, nothing has been ''agreed to by both Houses.'') As Rule XXVIII notes, conferees may include in their report matter which is a germane modification of subjects in disagreement, and the amendments made in this section do not change that rule.

Section 511 does, however, change the parliamentary consequences if conferees violate the rule by adding new matter. Rule XXVIII currently provides a very blunt instrument—if a point of order is sustained, the conference report is rejected or recommitted to the conference if the House has not already acted. Because many times the House will have already acted, successful invocation of Rule XXVIII would often spell the death knell for legislation. This result has two negative consequences. When successfully invoked, Rule XXVIII may derail legislation

that otherwise has strong bipartisan support. At the same time, because of the dramatic consequences from making a point of order under Rule XXVIII, it is rarely invoked. In fact, some Senators believe that the very blunt nature of Rule XXVIII has provided conferees more leeway to add new matter on ''must pass'' bills.

Section 511 amends the current Rule XXVIII point of order in two ways. First, it changes Rule XXVIII from a blunt instrument to a ''surgical'' one—if new matter is added by conferees, then a point of order may be made and, if successful, the new matter shall be struck, and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. Second, Section 511 adds the possibility of 60-vote waivers for points of order under the rule. The language in Section 511 is similar to that used in the so-called ''Byrd'' rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively. Section 511 also ensures that appeals from rulings of the Chair may be sustained only by an affirmative vote of three-fifths of all Senators (generally, 60 votes).

Separately, Section 511 adds a new paragraph 9 to Rule XXVIII, which requires that all conference reports be posted on a publicly accessible website controlled by Congress 48 hours prior to the vote on adoption of the conference report, as reported to the Presiding Officer by the Secretary of the Senate. This new rule is enforceable via a point of order, which may be waived by an affirmative vote of three-fifths of all Senators. The requirements of the rule may be fulfilled by posting the conference report on any publicly accessible website controlled by a Member of Congress, committee of either the House or Senate, the Library of Congress, another office of the House, the Senate, or Congress, or the Government Printing Office. Section 511 directs the Committee on Rules and Administration, in consultation with the Secretary of the Senate and the Clerk of the House, and the GPO to issue regulations to help harmonize practice among conference committees for the convenience of Senators and the public. Paragraph 9 may be waived by an affirmative vote of three-fifths of all Senators. Waivers may be made after a point of order is made or prospectively.

Under well-established Senate precedent, a new directed spending provision added in conference does not constitute ''new matter'' if it relates to the matter in conference. The modifications to rule XXVIII do not change the well-established rule. The new rule XLIV includes a separate provision relating to the addition of ''new directed spending provisions'' in conference.

Section 512. Notice of objecting to proceeding

Section 512 relates to the concept of so-called ''secret holds.'' Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled ''Notice of Intent to Object to Proceeding.'' The Senator may specify the reasons for the objection if the Senator wishes.

If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding.

Section 513. Public availability of Senate committee and subcommittee meetings

Section 513 requires that, 90 days after enactment, Senate committees and subcommittees shall make available through the Internet a video recording, an audio recording or a transcript of all public meetings of the committee not later than 21 business days after the meeting occurs. This requirement may be waived by the Rules Committee upon request should the committee or subcommittee be unable to comply due to technical or logistical issues. To be issued a waiver, a committee will be expected to prove that none of the three means of recording a committee meeting are technically or logistically feasible in the space that the meeting is being held.

Section 514. Amendments and motions to recommit

Section 514 amends Rule XV of the Senate to require that an amendment and any instruction accompanying a motion to recommit be reduced to writing and read, and that identical copies be provided to the desks and the Majority and Minority Leaders before being debated. Section 514 further amends Rule XV to require motions to be reduced to writing if desired by the Presiding Officer or any Senator, and be read before being debated.

Section 515. Sense of the Senate on conference committee protocols

Section 515 expresses the Sense of the Senate that conference committees should hold regular, formal meetings of all conferees that are open to the public, that conferees should be given adequate notice of the time and place of such meetings, and be allowed to participate in full and complete debate on the matter before the committee, and that the text of the report of a conference committee should not be changed after the signature sheets have been signed by a majority of the Senate conferees.

Section 521. Congressionally directed spending

Section 521 establishes a new Senate Rule XLIV, which provides sweeping reforms to the treatment of so-called ''earmarks,'' limited tax benefits, and limited tariff benefits in legislation before the Senate. With respect to ''earmarks,'' the Rule provides a more accurate term—congressionally directed spending items—because congressional ''earmarks'' merely reflect the spending priorities of Congress, just as Presidential ''earmarks'' reflect the spending priorities of the President. The Constitution provides Congress control over the appropriations of the federal government, and congressionally directed spending constitutes a legitimate and important exercise of that authority. Rule XLIV also creates rules for ''limited tax benefits'' and limited tariff benefits in legislation—essentially, tax provisions and tariff suspensions that assist only a small number of beneficiaries. The provisions of Rule XLIV fall into three main categories—transparency, accountability, and discipline.

Paragraphs 1 and 2 of the new rule require the Chairman of the committee of jurisdiction (or the Majority Leader or his or designee) to certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and accompanying reports), have been identified through lists charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website, in a searchable format, at least 48 hours before the vote on the motion to proceed to consider the bill or joint resolution. If a point of order is sustained, then the motion to proceed shall be suspended until the sponsor of the motion (or his or her designee) has requested resumption and compliance with the requirements of the relevant paragraph has been achieved. In light of the possibility that it may take a day or more for compliance to be achieved and/or for a request for resumption, suspended motions under these paragraphs shall not terminate when Congress adjourns.

Paragraph 3 establishes a similar rule for conference reports the Chairman of the committee of jurisdiction (or the Majority Leader or his or her designee) must certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and the accompanying joint statement of managers), have been identified through lists, charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website at least 48 hours before the vote on adoption of the conference report. If a point of order is sustained under paragraph 3, then the conference report shall be set aside.

The bill follows the basic approach taken by the House, which has ensured broad transparency throughout the appropriations process for the FY08 bills. In each case under paragraphs 1, 2, and 3, the point of order lies as to the existence or not of the certification. Especially given that the definition of ''congressionally directed spending'' requires that the item be included in the bill ''primarily at the request of a Senator,'' the Parliamentarian has no capacity to determine whether a given item is or is not a ''congressionally directed spending'' item and thus is not in a position to determine the accuracy of the list. Requiring the Parliamentarian to make such a determination independently is not only unworkable in practice (e.g., even if the Parliamentarian could make a determination, it would take a tremendous amount of time and resources to compile the lists that are already compiled by numerous committees, each with their own staff), it is impossible—the Parliamentarian has no choice but to defer to the Committee Chair in determining why a particular item was included in a bill. Similarly, the Parliamentarian is not in a position to know the number of individuals or entities impacted by a tax or tariff provision, and so must defer to the relevant Committee Chair on that information.

The authors fully expect that Committee Chairs (and in the unusual case that the Majority Leader or his or her designee must provide the certification, the Majority Leader or designee) will fully, honestly, and in good faith, comply with the requirements of the new Rule. Given the role of the Ranking Member in compiling the bill and the list of congressionally directed spending items, a Chairman may request that the Ranking Member (and the Chair and Ranking Member of a relevant subcommittee) join him or her in making the certification. In addition, it is consistent with the spirit of the rule if a Committee Chair chooses to identify Presidential earmark requests.

Rule XLIV provides rules on waivers and appeals from paragraphs 1, 2, and 3. Waivers may be made after a point of order has been raised or prospectively. The rule also places limits on appeals, because a successful appeal would eviscerate the paragraph under

which the appealed ruling had been made, eliminating the new transparency to which the Senate has committed itself. Rule XLIV places limits on debate for appeals and waivers, so that these are not used as dilatory measures.

Paragraph 4 of new Rule XLIV requires Senators that propose amendments containing congressionally directed spending items, limited tax benefits, or limited tariff benefits to identify each such item, and the Senate sponsor, in the Congressional Record as soon as practicable. Paragraph 4 also directs Committees to make publicly available on the Internet as soon as practicable after reporting a bill or joint resolution, the list of congressionally directed spending items, limited tax benefits, or limited tariff benefits included in the bill, joint resolution or accompanying report. Finally, paragraph 4 states that, to the extent technically feasible, information provided under paragraphs 3 and 4 shall be provided in a searchable format. The electronic version of the Congressional Record constitutes one option for a ''searchable'' publication.

Paragraph 7 provides that, for congressionally directed spending items in classified portions of a report accompanying a bill, joint resolution, or conference report, the committee of jurisdiction shall, to the greatest extent practicable consistent with the need to protect national security, provide a general program description, funding level, and name of Senate sponsor.

In addition to the requirement that Senate sponsors of congressionally directed spending items, limited tax benefits, and limited tariff benefits be identified, Rule XLIV requires accountability through paragraphs 6 and 9. Paragraph 6 requires Senators who request congressionally directed spending items, limited tax benefits, and limited tariff benefits to provide a written statement to the relevant Chairman and Ranking Member that identifies the name and location of the intended recipient or activity, the purpose of the item, and a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9. Paragraph 9 makes the requirements of Rule XXXVII(4)—the longstanding Senate Rule against financial interest by Senators and Senate employees relating to any legislative action—specific to actions relating to congressionally directed spending items, limited tax benefits, and limited tariff benefits. It is anticipated that the Select Committee on Ethics will apply the requirements of paragraph 9 (including as incorporated by reference into paragraph 6) identical to the way in which it has applied Rule XXXVII(4).

Finally, Rule XLIV provides an important tool for disciplining the conference process to ensure that new directed spending provisions—i.e., directed spending provisions not included in either the House or the Senate bill committed to conference—are not added in conference. Specifically, paragraph 8 allows any Senator to raise a point of order against one or more new directed spending provisions added in conference. (It is important to note that the term ''new directed spending provision'' is defined differently than the term ''congressionally directed spending item.'') The term ''measure'' as used in paragraph 8 refers only to the bill or amendment committed to the conferees by either House. If the point of order is sustained, then the provision is struck from the bill and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. The rule includes the possibility of 60-vote waivers for points of order under the rule. The language is similar to that used in the so-called ''Byrd'' rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively.

Rule XLIV provides for a number of points of orders, and sets out rules for accompanying waivers and appeals. If Rule XLIV does not expressly provide for a point of order with respect to a provision, then no point of order shall lie under that provision. Rule XLIV also includes in paragraph 11, a waiver of all points of order under the rule with respect to a pending measure. As with other waivers in the rule, it may be made after a point of order has been made or prospectively.

Section 531. Post employment restrictions

Section 531 amends the current ''revolving door'' restrictions in Rule XXXVII of the Senate Rules. Specifically, Section 531 amends the rule to prohibit Senators from lobbying Congress for two years after they leave office and prohibits officers and senior employees from lobbying the Senate for one year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator.

The new ''revolving door'' restrictions are effective only for Senate staff that terminate Senate employment on or after the date that the 1st session of the 110th Congress adjourns sine die or December 31, 2007, whichever is earlier. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

Section 532. Disclosure by Members of Congress and staff of employment negotiations

Section 532 amends Senate Rule XXVIII to add new disclosure requirements for employment negotiations. This provision requires Senators to disclose within 3 business days any negotiations they engage in to secure future employment before their successor is elected. The new addition to Rule XXXVII also prohibits Senators from seeking employment at all as a registered lobbyist until his or her successor has been elected. It requires senior staff to notify the Ethics Committee within 3 days of beginning negotiations for future employment, and to recuse themselves from involvement in a matter should employment negotiations create a conflict of interest or the appearance of a conflict.

Section 533. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain

This section amends Senate Rule XXIII to revoke floor privileges and the use of the Members' athletic facilities and parking for former Senators, former Secretaries of the Senate, former Sergeants at Arms of the Senate and former Speakers of the House who are registered lobbyists. The Rules Committee will issue guidelines to allow those affected by this provision to participate in ceremonial functions and events on the Senate floor.

Section 534. Influencing hiring decisions

Section 534 amends Senate Rule XLIII to specifically prohibit members from taking official action or threatening to take official action in an effort to influence hiring decisions of private organizations on the sole basis of partisan political affiliation. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 535. Notification of post-employment restrictions

Section 535 requires the Secretary of the Senate to notify Members, officers or employees of the Senate of the beginning and end dates of their post-employment lobbying restrictions under the Senate Rules. It is expected that the Secretary of the Senate will encourage Senators and staff to contact the Ethics Committee for a full explanation of the terms of their post-employment lobbying restrictions. This provision goes into effect 60 days after the date of enactment.

Section 541. Ban on gifts from lobbyists and entities that hire lobbyists

Section 541 amends the gift rules in Rule XXXV of the Standing Rules of the Senate. This provision prohibits Senators and their staff from accepting gifts from registered lobbyists or entities that hire or employ them. The provision does not alter the exceptions under Rule XXXV(1)(c).

Section 542. National party conventions

This provision prohibits Senators from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Senator is the party's presidential or vice presidential nominee.

Section 543. Proper valuation of tickets to entertainment and sporting events

Section 543 specifies that the market value of a ticket to an entertainment or sporting event shall be the face value of the ticket, or in the case of a ticket without a face value, the value of the highest priced ticket to the event. It allows the ticket holder to establish that a ticket without a face value is equivalent to a ticket priced less than the highest priced ticket by providing information related to the primary features of the ticket to the Ethics Committee. In order for a ticket holder to have the option to establish ''equivalency,'' he or she must provide information to the Ethics Committee prior to attending the event. The Committee may accept information obtained on the Internet from venues and third-party ticket vendors.

Section 544. Restrictions on lobbyist participation in travel and disclosure

Section 544 makes significant changes to the provisions in paragraph 2 of Rule XXXV of the Standing Rules of the Senate relating to reimbursement for travel for Senators and staff from third parties. Section 544 prohibits certain types of travel altogether, restricts other travel, and imposes new requirements applicable to all privately funded travel.

Section 544 generally prohibits privately funded travel paid for by entities that hire lobbyists or foreign agents. It creates two exceptions from this general rule. First, section 544 allows trips paid for by entities that hire lobbyists or foreign agents if they are for one-day's attendance/participation at an appropriate event (exclusive of travel time and an overnight stay). The Select Committee on Ethics is given authority to issue guidelines that would allow a two-night stay when practically required to participate in an event (e.g., an event requiring travel across the country). With respect to these ''one day trips,'' in addition to the other restrictions described below, the new rule prohibits lobbyists from accompanying the Member, officer, or employee on any ''segment of the trip'' in other than a de minimis way, and requires a trip sponsor to provide a certification to that effect. It is intended that this language be interpreted identically to the interpretation given similar language by the House Committee on Standards of Official Conduct in its memorandum dated March 14, 2007.

Second, section 544 allows trips paid for by 501(c)(3) organizations, regardless of whether

the organization hires a lobbyist or foreign agent. The Senate made the judgment that 501(c)(3)s, due to their non-profit and often educational or public-interest nature were not likely to be a source of abuse. In this respect, 501(c)(3)s are treated similar to entities that do not hire lobbyists or foreign agents.

Section 544 also establishes new rules across the board for all trips. It requires pre-approval from the Select Committee on Ethics for all trips. The Select Committee on Ethics must issue guidelines on the factors it will use to pre-approve a trip.

Additionally, regardless of trip sponsor, section 544 prohibits Senators, officers, or staff from participating in trips planned, organized, or arranged by or at the request of a lobbyist or foreign agent in other than a de minimis way, and a trip sponsor must provide a certification to that effect. As a general matter, the term ''de minimis'' means negligible or inconsequential. It would be ''negligible or inconsequential'' for a lobbyist to respond to a trip sponsor's request that the lobbyist identify Members or staff with a possible interest in a particular issue relevant to a planned trip or to suggest particular aspects of a Member or staffer's interest known to the lobbyist. For instance, if a trip sponsor that was a 501(c)(3) asked a lobbyist which staffers might be most interested in joining a trip to the U.S.-Mexican border and the lobbyist knew that a potential trip participant had a particular interest in the DEA's activities at the border, or in a particular border facility, then the conveyance and receipt of that information (in light of the trip sponsor's request), in and of itself, would not exceed a de minimis level of participation. Additionally, the mere presence of one or more lobbyists on the board of an organization does not exceed a de minimis involvement. If a lobbyist solicits or initiates an exchange of information with a trip sponsor, however, that would go beyond de minimis. Additionally, if the lobbyist has ultimate control over which Members or staff are actually invited on the trip, or determines the trip itinerary, each of these would go beyond de minimis. Certainly, if a lobbyist actually extends or forwards an invitation to a participant, or if an invitation mentions a referral or suggestion of a lobbyist, each of these would go beyond de minimis.

For all trips other than one day trips paid for by entities that hire lobbyists, the new rule prohibits a lobbyist from accompanying the Member, officer, or employee ''at any point throughout the trip'' in other than a de minimis way. This language should be interpreted in a manner different—and more broadly—than the concept of ''any segment of the trip.''

Both lobbyist ''accompaniment'' standards include a de minimis exception. The Act directs the Select Committee on Ethics to issue guidance on what constitutes ''de minimis.'' If the trip includes attendance at an event that meets the definition of a ''widely attended event'' under Rule XXXV(1)(c)(18), the trip sponsor is unlikely to know all attendees at the event. Accordingly, a lobbyist's attendance at a ''widely attended event'' also attended on the trip would be a type of de minimis ''accompaniment.'' Similarly, an organization cannot possibly know the other passengers that might be on a common carrier used during a trip if the organization has had no contact or coordination with these other passengers. Accordingly, the new rule does not require a sponsor to certify that it knows for certain that no lobbyist will be on such a common carrier.

Section 544 also improves disclosure of privately funded travel. It requires Members, officers and Senate employees to disclose the expenses reimbursed by a private entity not later than 30 days after the travel is completed and requires disclosure of greater detail on the types of meetings and events attended on the trip.

Section 544 includes a separate provision relating to flights on private jets. This provision requires Senators to pay full market value—defined as charter rates—for flights on private jets, with an exception for jets owned by immediate family members (or non-public corporations in which the Senator or an immediate family member has an ownership interest).

In general, the changes made by section 544 go into effect 60 days after enactment, or the date that the Select Committee on Ethics issues the required guidelines under the rule, whichever is later. Until the new rules take effect, the existing rules for travel will remain in place. In light of the transition to the new rule relating to reimbursement for flights on private jets and the lack of experience in many offices in determining ''charter rates,'' the Select Committee on Ethics may treat reimbursement at current rates as reimbursement at charter rates for a transition period not to exceed 60 days.

Section 544 includes an important caveat—nothing in section 544 or section 541 is meant to alter law or treatment under Senate rules, of gifts and travel that fall under the Foreign Gifts and Decorations Act or the Mutual Educational and Cultural Exchange Act. Gifts and travel under those provisions are governed by a separate regulatory regime.

Section 544 directs the Legislative Branch Appropriations subcommittee, and the Committee on Rules to examine within 90 days whether congressional travel allowances will need to be adjusted in light of the new restrictions on privately funded travel.

Section 545. Free attendance at a constituent event

Section 545 creates a new, narrow exception, to the gift rule for small constituent events. Specifically, section 545 allows Senators, officers or employees to accept free attendance at a conference, convention, symposium, forum, panel discussion, dinner event, site visit, viewing, reception or similar event in their home state if it is sponsored by constituents or a group of constituents, and attended primarily by at least 5 constituents, provided that there are no registered lobbyists in attendance, and that the cost of any meal served is less than $50.

Section 546. Senate privately paid travel public website

This provision directs the Secretary of the Senate to develop a publicly available, searchable website by January 1, 2008 to post Senators' travel information that is required to be disclosed under rule XXXV of the Standing Rules of the Senate.

Section 551. Compliance with Lobbying Disclosure

Section 551 makes clear that former members and staff who are registered lobbyists may contact the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995 despite post-employment lobbying restrictions.

Section 552. Prohibit official contact with spouse or immediate family member who is a registered lobbyist

This provision prohibits Senate spouses who are registered lobbyists from engaging in lobbying contacts with any Senate office, but exempts Senate spouses who were serving as registered lobbyists at least one year prior to the most recent election of their spouse to office, or at least one year prior to their marriage to that Member.

The provision also prohibits a Senator's immediate family members (including a spouse) who are registered lobbyists, from engaging in lobbying contacts with the Senator's staff.

Section 553. Mandatory Senate ethics training for Members and staff

This section requires the Ethics Committee to conduct ongoing ethics training and awareness programs for Senators and Senate staff.

Section 554. Annual report by Select Committee on Ethics

Section 554 directs the Ethics Committee to issue an annual report that describes the number of alleged violations of Senate rules received from any source, a list of the number of alleged violations that were dismissed, the number of alleged violations in which the committee conducted a preliminary inquiry, the number of alleged violations that resulted in an adjudicatory review, the number of alleged violations that the committee dismissed, the number of letters of admonition issued and the number of matters resulting in disciplinary sanction. Nothing in this section requires or allows the Ethics Committee to violate the confidential nature of its proceedings.

Section 555. Exercise of rule making power

This section acknowledges that the Senate adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the Senate to change those rules at any time.

Section 556. Effective dates and general provisions

All sections in this title go into effect upon enactment except for section 513, which goes into effect 90 days after enactment; section 531: This title shall take effect on the date of enactment unless otherwise noted.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

Section 601. Restrictions on Use of Campaign Funds for Flights on Non Commercial Aircraft

Section 601 amends the Federal Election Campaign Act to require that candidates, other than those running for a seat in the House of Representatives, pay the fair market value of airfare when using non-commercial jets to travel. Fair market value is to be determined by dividing the fair market value of the charter fare of the aircraft, by the number of candidates on the flight. This provision exempts aircraft owned or leased by candidates or candidates' immediate family members (or non-public corporations in which the Senator or his or her immediate family member has an ownership interest). The bill prohibits candidates for the House of Representatives from any campaign use of privately-owned, non-chartered jets.

Many candidates are not accustomed to determining charter rates. The FEC may, during a transition period of no more than 60 days, deem reimbursement at current rates to be charter rates while committees determine how to calculate charter rates.

TITLE VII MISCELLANEOUS PROVISIONS

Section 701. Sense of the Congress that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches

This section expresses the Sense of Congress that any applicable restrictions on Congressional branch employees in this title should apply to the executive and judicial branches.

Section 702. Knowing and willful falsification or failure to report

This provision increases from $10,000 to $50,000 the penalty for knowingly and willfully falsifying or knowingly and willfully failing to report financial disclosure forms

required by the Ethics in Government Act. It imposes a criminal penalty of up to one year of imprisonment and/or a fine for knowingly and willfully falsifying such report and imposes a fine for knowingly and willfully failing to file such report.

Section 703. Rule of construction

Section 703 provides that nothing in this Act shall be construed to prohibit any conduct or activities protected by the free speech, free exercise, or free association clauses of the First Amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much time does our side have?

The PRESIDING OFFICER. The Senator from California has 3 minutes 19 seconds.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I would like to say something in response.

Basically, the earmark language is formed on the DeMint language that was in the Senate bill. What happened was that staff sat down with all of the Parliamentarians for several hours to determine the workability under Senate rules and procedures of the language. Amendments were made that would make the language workable.

Now the Senator from South Carolina contends that the Parliamentarians should review the entire bill and rule on whether each and every earmark is listed by the Chair and vet that earmark.

When our offices spoke with the Parliamentarian's office, we realized that this was not a workable situation and could lead to gridlock in the Senate. Now, maybe that is what the junior Senator from South Carolina wants, but I, for one, believe the American people want us to carry out their business.

There is full disclosure. There is full transparency. The committee chairs must certify that the earmark list is complete. It must be published on the Internet 48 hours before it comes before the Senate. Disclosure and transparency is what earmark reform is all about. No more dark of night additions to bills, even when the conference committee is often closed.

Once again, if the junior Senator from South Carolina had allowed a conference, Members would have been able to sit down in the full light of day and, Member to Member, House to Senate, discuss this. But instead, he alone—he alone—despite importation after importation to allow the conference to go ahead, would not allow it to go ahead. One Member. That effectively would have stopped the bill—stopped the bill. Instead, the majority leader and the Speaker of the House, after the bill passed the House by a wide margin, believed this was too important to let one Member—one Member—stop it. So they figured a way to bring a bill from the House, which is what is now before us.

To me, this is all sour milk, spoiled milk. He would have stopped the bill dead if he could have his way. But it didn't happen that way. And you know, there is more than one Member of the Senate. There are more than 2, 3, 4 or 5; there are 100 Members. Members' views have to be taken into consideration.

Yes, there was some change in the language, but there is nothing in the change of language that in any way, shape or form stops full disclosure or the certification of the committee chair or stops putting it on the Internet 48 hours before it comes to the board. It is real reform.

I hope there will be the votes here for cloture. I urge the Senate of the United States to vote for cloture on what is the most significant ethics and lobbying reform bill since Watergate.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank my colleagues for this good and open debate. I remind them that I supported this bill in the beginning and have asked unanimous consent a number of times that it go to conference. As many of us have pointed out, the earmark provision is a Senate rule that doesn't need to be conferenced with the House. The only reason to make it part of a conference bill is so it can be changed.

I offered all along that if there were changes the majority wanted to make, we were very open to that. We wanted to end up with some real earmark transparency that all of us have voted on. As we have pointed out this morning, it is not disclosed, and it is not transparent if the majority can simply say it is, without having to prove its accuracy. That has been the cause of so much corruption. I think it is certainly worth stopping and looking at what we have done.

This language is hardly minor, as far as the change that has taken place. If it were, the majority would not insist that their version rule today. I urge all my colleagues to vote against cloture—not to vote against ethics reform, which we all support, but to vote against this process that will not allow us to reinsert something we all voted for and we all said in public is the right way to handle earmark reform.

I thank the majority leader for all his work. I yield back the remainder of my time.

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. MCCONNELL. 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. MCCONNELL. Mr. President, more than 6 months after the Senate passed its own lobby reform bill, we are now being asked to vote on a Democrat-written alternative that promises to be less effective but in some ways stronger than current law.

I was a cosponsor of the original version, and its passage by an overwhelming vote of 96 to 2 in January marked an early high point of bipartisanship in this session and it was an unmistakable sign of the strength of that original bill.

Americans were right to be outraged by the scandals that surfaced last year. They were right to hold their lawmakers to the highest standards of conduct, and passing this bill will send a strong and necessary signal that the Senate has recommitted itself to that trust.

As I said, in some key areas, this bill is an improvement over the status quo. But this isn't the bill I would have written, and it would have benefited from a lot of Republican input.

The earmarks provision was passed unanimously in January and was supported by every single Democrat in the Senate, and it was strong; the earmarks provision in this bill is not.

Several new provisions make hardly any sense at all. My largest concern is what we are doing to our own staff. It is unclear to me why in this bill we treat House staff more leniently than our most trusted advisers in the Senate or even those in the executive branch, for that matter. I find this provision particularly offensive.

The gift ban and the new travel restrictions are tricky and vague by extending the ban to not just lobbyists but also to any entities that employ or retain them. Does that mean I have to refuse the key to a city, since cities have their own lobbyists and mayors belong to associations that employ and retain them?

How about a 22-year-old staff assistant who has to wait tables to make ends meet? What happens when they wait on a lobbyist or someone who works for an organization that retains one? Do they have to refuse their tips? You get the drift.

This provision is bound to create problems for well-intentioned Members and staff. I look to the Ethics Committee to provide some clarity to what, at the very least, can be described as a rather murky and unworkable provision.

The new rule on charter flights is seriously deficient. Members who are rich enough, or have family members rich enough, to own their own planes have nothing, of course, to worry about. Everybody else does.

For example, all Presidents, who are required by the Secret Service to travel on Air Force One, will have to reimburse the Government at the full charter rate—which is roughly $400,000 per hour—if they use it for campaign travel. That not only means the end of Presidential fundraisers outside Washington for Democrats and Republicans, it means the end of Presidents doing fundraisers for Members outside the District of Columbia. You would have to have a $5 million fundraiser to pay

for the trip. I assume this was not the intent of the authors of the bill, but it will be the effect of what they have written. I know some Members, in particular, who might be surprised to learn about this. We have many of them in this body running for President on both sides.

Every one of these weaknesses would have been improved with Republican input, but we were unable to do so because there was not a conference.

I assure you we will return to the earmarks provision. It will be back. This bill isn't nearly as tough as it would have been on earmarks if Republicans had been involved in writing it. But weighing the good and the bad, many provisions are stronger than current law. I will support its passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding that all time has been used.

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, last November, there was a call across this country that culminated in the November election. It was a call for a change in the way Congress does its business. We had nine new Democratic Senators. During the campaign, they called for change—and they will achieve change today.

The legislation before us shows Congress heard this call for change. The change we have in this legislation, in fact, is big-time change. It is the most significant change in lobbying and ethics rules in the history of our country—some have said since Watergate, but I say in the history of our country.

This is S. 1, which was the first bill introduced in this body this year—our first and most important bill of the new Congress. Why was it No. 1? The American people—Democrats, Republicans, and Independents—knew our progress would depend on renewing the people's faith in the integrity of Congress. What does this legislation do?

Among other things, it requires Senators to pay fair market prices for charter flights, putting an end to abuses of corporate travel.

This legislation slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers, and it prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected.

It puts an end to pay-to-play schemes such as the notorious K Street Project. It shines the light of day on lobbying activities by vastly increasing disclosure requirements, including disclosure of bundled campaign contributions.

It requires the Senate to disclose all earmarks for the first time ever.

We originally passed it by an overwhelming bipartisan vote of 96 to 2.

In June, I tried to send the bill to conference. I tried and I tried, but we were unable to go to conference because of objections by the minority. Some Republican colleagues expressed concern that this bill might lead to legislation that doesn't achieve the goals of the original bipartisan bill. I assured them then, and I assure them now, this bill has teeth. I asked them to withhold judgment until the final bill was complete.

I have heard a number of statements today about this bill from some of my friends on the other side of the aisle. They say we gutted earmark disclosure, that we have tried to hide earmarks, keep them in the shadows. This claim is just absurd.

For the first time ever, Senate Democrats have required all committees to disclose their earmarks and earmark sponsors. We didn't have to. It wasn't the law. But we did it. Last year, when the Republicans controlled this institution, not one earmark was disclosed. I don't recall a single speech about that failure last year by any of the Republicans who have spoken today.

Now, for the first time ever, we are already being transparent—fully transparent—about earmarks, and we are here to talk about that. But we hear these breathless claims made today that earmarks are being hidden. How can you describe how ridiculous that is? That is what it is.

Thirty-four pages of this legislation deal with earmarks. I might boast a little bit. Other staffs have worked on this, but I had two of the finest legal minds in this community working on it: Ron Weich, a graduate of Yale Law School, who worked on Capitol Hill for many years with Senator KENNEDY, went downtown and became a very successful lawyer. He decided he wanted to engage in more public service, so he came back to Congress to work with me. He is an experienced attorney, and he worked on this. He also worked with a Harvard law graduate, Mike Castellano, a wonderful young man who has spent months—not weeks, not days, not hours but months—working on this. So for anyone to castigate this legislation, they are castigating these two fine men, who have worked with numerous people throughout this body.

For each of the 11 appropriations bills reported so far this year, similar earmark disclosure is available on the Internet. It is already searchable. Those talking about earmarks, my Republican friends, are either ignorant of what is already happening or they are living in a parallel universe.

This legislation puts into the Senate rules the revolution in earmark disclosure and accountability we began this year. It requires all earmarks in bills, joint resolutions, and conference reports be disclosed on the Internet 48 hours prior to action on the floor. We don't intend to have to wait until 48 hours, so the bill directs committees to issue earmark lists as soon as possible after the bill is reported.

The bill requires that earmarks and amendments be posted on the Internet as soon as possible after being introduced. The language originating in S. 1 did not have any rules on amendments. We put them in there. If we were trying to hide amendments and hide earmarks, why would we add that to the bill?

This legislation, for the first time ever, allows a point of order to be raised against new earmarks added in conference.

One of the main arguments used by the opponents of reform is that the certification required by the committee chair or the majority leader would be a sham. We deal all the time with budget points of order. Do my colleagues think the Parliamentarians will say: Let's see, does this amendment exceed scoring levels? No, they have to depend on the chairman of the Budget Committee. The Budget Committee reports to them. They depend on the Budget Committee. The Parliamentarians—that is what they do, they are referees but they get their information from the committee chairman.

The argument of my opponents is beyond the pale. If effect, these Senators are arguing that the committee chairs and the leaders would cheat and lie. Who other than the chairman of the committee, similar to the Budget Committee, can tell the Parliamentarian where there are earmarks? It is impossible for the Parliamentarian to know if a Senator has requested an item. Someone has to tell him. I'm sure these Senators are not saying that Senator BYRD or Senator COCHRAN would lie. That is not a very good argument to use in this body. To say that would be an affront to what we do around here.

Further, the opponents have ignored a simple and unavoidable fact. The definition of ''earmark'' requires that the provision be added primarily at the request of a Senator. The Parliamentarian can't know that. The only person who could ever know for sure how a provision got added to the bill is the author of the legislation, the committee chair. The Parliamentarian has no capacity to figure out that a provision was added primarily at the request of a Senator, or was added because the President wanted it, or because everyone agreed it was a good policy. Under any circumstances, the Parliamentarian would have no choice but to defer to the committee chair.

I ask my friend, the junior Senator from South Carolina, as an example, to understand the hard work put into this legislation—hard work, really hard work. If there is something that is wrong with the legislation, talk to us about it. We will try to change it in subsequent legislation if this doesn't work. If there is a problem, I am happy to work with him, but don't denigrate this bill. We worked hard on it.

I so appreciate the work of Chairman FEINSTEIN. I so appreciate the work of Chairman LIEBERMAN. They both have reputations that are impeccable. One may not always agree with their policy, but their ability for honesty and integrity is above reproach.

I must also talk about RUSS FEINGOLD. When this session started, I asked RUSS FEINGOLD to draw up legislation, and he did that, and we have worked around that. Does anyone question the integrity of RUSS FEINGOLD? You cannot question his integrity, DIANNE FEINSTEIN'S, or JOE LIEBERMAN'S integrity. That is what this legislation is all about.

Anyone saying this bill is an obscenity—that is what one Senator said in the press, that this legislation is obscene—is impugning the integrity of three of the finest public servants we have in this country.

Another important leader on this issue is Senator OBAMA. He was in many ways the face of this bill last year. He has played an important role last year and this year, and I appreciate his input into this legislation.

This bill is not just a little bit of reform. Just listen to the outside reformers. Fred Wertheimer, a man who has been in this town since I have been here, talking about how we can improve this body in many different ways, Fred Wertheimer said this is ''landmark legislation.'' Those are his words, not mine.

The effort by opponents to try to denigrate this legislation is shameful. I don't care if they disagree with this legislation, but don't impugn the integrity of the people who are trying to do something that is positive and good.

This is good legislation. We have succeeded, the Democratic majority has succeeded. I appreciate the support of the minority, but the Democrats have succeeded in what Republicans couldn't do last year or the year before, and they have seized on one issue, earmarks, and blown it way out of all proportionality or rationality and have ignored reality to create doubts in people's minds.

The fact is, we have sweeping reform legislation in a whole host of areas—gifts, travel, lobbyist disclosure, stealth coalitions, reporting of lobbyist contributions, the revolving door. It is sweeping. The bill will change the way we do business.

Our work on this issue is done for now. I am confident the judgment of Democrats and Republicans alike will be favorable. The vote was 411 to 8 in the House of Representatives. Let us do the same. Let us send a message from coast to coast that this Congress is serious about delivering to the American people a government as good and as honest as the people it serves.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 concur in the House amendment on S. 1, the Ethics Reform bill.

JOE LIEBERMAN, HARRY REID, BYRON L. DORGAN, PATTY MURRAY, MARK PRYOR, JEFF BINGAMAN, JACK REED, DICK DURBIN, JON TESTER, TOM CARPER, PAT LEAHY, BENJAMIN L. CARDIN, DEBBIE STABENOW, JOHN KERRY, BARBARA BOXER, TED KENNEDY, KEN SALAZAR.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 1, an act to provide greater transparency in the legislative process, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 17, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—80

Akaka	Feinstein	Nelson (NE)
Alexander	Grassley	Obama
Barrasso	Gregg	Pryor
Baucus	Hagel	Reed
Bayh	Harkin	Reid
Biden	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Salazar
Boxer	Isakson	Sanders
Brown	Kennedy	Schumer
Byrd	Kerry	Sessions
Cantwell	Kohl	Shelby
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Chambliss	Levin	Stabenow
Clinton	Lieberman	Stevens
Collins	Lincoln	Sununu
Conrad	Lugar	Tester
Corker	Martinez	Thune
Dodd	McCaskill	Vitter
Dole	McConnell	Voinovich
Domenici	Menendez	Warner
Dorgan	Mikulski	Webb
Durbin	Murkowski	Whitehouse
Enzi	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—17

Allard	Cochran	Graham
Bennett	Cornyn	Inhofe
Brownback	Craig	Kyl
Bunning	Crapo	Lott
Burr	DeMint	McCain
Coburn	Ensign	

NOT VOTING—3

Coleman	Johnson	Klobuchar

The PRESIDING OFFICER. On this vote, the yeas are 80, nays are 17. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we have two Senators who have requested to speak on this matter. Senator BYRD wishes 20 minutes, Senator MCCASKILL, 10 minutes. Following that, we would return to SCHIP and the vote on this bill—cloture was just invoked—will occur at 1:50 this afternoon. The time between 1:30 and—the time after Senators BYRD and MCCASKILL speak will be controlled by Senators BAUCUS and GRASSLEY.

I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask the motion to concur with the amendments be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, at the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects.

I see my friend from Mississippi here, the ranking member, on the Senate floor. I will say that again. Hear me.

At the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects. While awaiting action by the Congress on ethics reform legislation, Senator COCHRAN, the able and very highly respected Senator from Mississippi who is on the Appropriations Committee, Senator COCHRAN and I—Senator COCHRAN is on the Senate floor at this point, I say for the record—Senator COCHRAN and I established rigorous standards for increasing such transparency. Based on those standards, the Appropriations Committee has reported, on a bipartisan basis, 11 appropriations bills that have identified the earmarks, and who—in other words, what Senator—requested them, meaning the earmarks.

We have required and we have received certification letters from every Senator who has an earmark that he or she and/or their spouses—meaning he or she and/or his or her spouse—that they have no financial interest in their earmarks. We are talking about Senators, 100 of them, who sit in this Chamber.

I want to say that once again. We, meaning the Senate Appropriations Committee, have required and received certification letters from every Senator who has any earmark—that Senator and his or her spouse—that they have no financial interest in their earmarks. Is that clear?

I have always maintained the highest standards. I will say that again. I have always maintained the highest standards for myself, ROBERT C. BYRD, myself, and for my staff, on ensuring that there are no conflicts of interest for

earmarks that I include in any legislation. Consistent with the standards that we established for the appropriations process, S. 1 now establishes a new Senate rule that will impose requirements for transparency and accountability for all bills.

In establishing these rules, the public should not conclude that the rules are somehow a sanction on the Congress for wasteful spending. In recent months there has been considerable attention to the issue of the earmarking of funds by Congress for specific projects. Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. All Senators endeavor—they had better. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong.

I am going to say that again. Hear me.

Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. Hogwash. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong. This notion that earmarked spending is inherently wasteful spending is flatout wrong.

Congress has the power of the purse and has had the power of the purse. That is the only real power that we Senators and Members of the other body and the President have. Congress has the power of the purse.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. Did you get that? Listen.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. For example, in 1798, $3,500 was appropriated for firewood and candles for the Treasury Department, and $454.41 was appropriated for rent of a house near Grays Ferry on the Schuylkill River.

Earmarks are arguably the most criticized and the least understood of congressional practices. There is nothing inherently wrong with an earmark. There is nothing inherently wrong with an earmark. An earmark is an explicit direction from the Congress about how the Federal Government should spend the people's money. It is absolutely consistent with the intentions of the Framers, codified in article I of the Constitution of the United States, giving the power of the purse, the power of the purse to the elected representatives of the people.

I shall quote:

All legislative powers herein granted—

That is the Constitution, the Framers speaking, the words of the Constitution—

legislative powers herein granted shall—

not may but shall—

be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

Those are the words, the immortal words of the Constitution written by the Framers, the Framers of the Constitution. I quote it again:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

In using this power, Congress has an obligation to be good stewards of the Public Treasury and to prevent imprudent expenditures. Congress has an obligation to guard against the corruption of any—I say any—public officials who would sell their soul and the trust of their constituency in order to profit from an official act.

But Congress does not err in using an earmark to designate how the people's money should be spent. This is a power. This is a power that does not belong to the President of the United States or to any of the unelected bureaucrats in the executive branch. It belongs where and to whom? It belongs to the people, the people out there on the hills and in the valleys, across this great land. It belongs to the people through their elected representatives in Congress. That is here. Their elected representatives. I am one of them, the elected representatives.

Earmarks are not specific to appropriations bills. Earmarks can be found in revenue bills. Hear me now. Earmarks can be found in revenue bills. You get that? Hear me now. Earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills. Did you get that? On authorization bills. Those are not bills that come out of the Appropriations Committees in the House and Senate; they are authorization bills. They may come out of the Committee on Ways and Means in the other body or out of the Senate Finance Committee. They can be found in authorization bills.

Earmarks can be found in the President's budget request. Hear that now. Listen. Are you listening? Earmarks can be found in the President's budget request. I want to say that again. I want to hear that again. Earmarks can be found in the President's budget request.

Well-intentioned though they may be, the civil servants making budget decisions in the executive, in agencies and offices of the Federal Government, do not understand the communities Senators represent. They do not meet with the constituencies of Senators. They do not know Members' States and their people. They can be a poor judge of what is necessary and what is frivolous from the perspective of the States and the people. These bureaucrats are not elected; therefore, they are not accountable to the people. I will say that once more. These bureaucrats are not elected; therefore, they are not accountable to the people.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the executive branch—and the so-called experts at agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people may never know how a spending decision is made. The American people may never hear anything about it. And with the executive bureaucrats, there is far less accountability to the people.

Critics of congressional earmarks—hear me—critics of congressional earmarks often overlook the success stories from earmark spending directed by Congress. Now, listen. Listen, all you skeptics, all you cynics, wherever you are. Do you hear me, the skeptics and the cynics? Congressional earmarks often overlook the success stories from earmark spending directed by Congress.

Let me give an example of earmark spending. Hear me. In the 1969 Agriculture appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants, and children. This program—are you listening? This program, which is now known as the WIC Program, has since provided nutritional assistance to over 150 million women, infants, and children, a critical contribution to the health of the Nation. That, I say, that is not—n-o-t—wasteful spending.

In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC—that is here in Washington, DC, a children's hospital—even overcoming a Presidential veto. In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is now known as the Children's National Medical Center. That started out with an earmark, the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients and performed over 10,000 surgeries, saving and improving the lives of young children. That is not wasteful spending.

Let me go on. In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. The homeless. Have you ever been homeless? That is not wasteful spending.

I ask unanimous consent that I may proceed for an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, and I thank all Senators.

In 1987, Congress earmarked—hear me—funds for the mapping of the human gene. This project became known as the human genome project. This research has led to completely new strategies for disease prevention and treatment. The human genome project has led to discoveries of dramatic new methods of identifying and

treating breast cancer, ovarian cancer, and colon cancer. I will say that once more: The human genome project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancer, saving many, many lives. Senators, hear me: This is not wasteful spending.

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. I have to say that once more. In 1988 and 1995, Congress—that is us, your representatives, out there in the land, in the hills and valleys of this country—earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. This is not wasteful spending. I am talking about earmarks, the word ''earmarks.'' A lot of things have been said about the word ''earmarks.''

Each of these earmarks was initiated by Congress and produced lasting gains for the American people—not for me, not for you, but for all of us, the American people. In the rush to label earmarks as the source of our budgetary woes and amid calls to expand the budgetary authorities of the President, Members should remember why deficits have soared to unprecedented levels. Senators will recall that the President has not exercised his current constitutional authority. The President has not submitted a single rescission proposal under the Budget Act. The President has signed every regular appropriations bill that has produced the unprecedented growth in earmarks. What has wrought these ominous budget deficits is the administration's grossly flawed and impossible budget assumptions.

The war in Iraq has required the Congress—that is us—to appropriate $450 billion—billion, I say, billion dollars; there have been approximately 1 billion minutes since Jesus Christ was born; so the war in Iraq has required the Congress to appropriate $450 for every minute since Jesus Christ was born. I am talking about the war in Iraq. I didn't get us into that war. I was against going into Iraq. The war in Iraq has required the Congress to appropriate $450 billion of the people's money. Only 2 to 3 percent of discretionary funds is earmarked. Earmarking is hardly the fiscal wedge driving the deficit. Rather than dealing with these fiscal failures, too many would rather propagate specious argument that enlarging the President's role in the budget process and doing away with congressional earmarks will somehow magically reduce these foreboding and menacing deficits. It will not.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the number of earmarks nearly tripled. Between 1956 and 2002—I was here during all of those years—Congress passed 20 highway bills that contained a total of 739 earmarks. In 2005, the Republican Congress passed and the President signed a single highway bill that contained 5,000 earmarks. Talk about earmarks. There is no question that the earmarking process has run amok. There was a single highway bill that contained 5,000 earmarks. This kind of excess in earmarking must end. It must go. That is why the Appropriations Committee took the lead to add transparency and accountability to the process.

In the joint funding resolution for fiscal year 2007, enacted in February, we implemented a 1-year moratorium on earmarks for fiscal year 2007. In that joint resolution, we eliminated over 9,300 earmarks from the fiscal year 2006 bills and reports. No new earmarks were contained in the bill for fiscal year 2007. While awaiting final action on S. 1, the Appropriations Committee took the lead by establishing guidelines for approving earmarks in the fiscal year 2008 bill. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the names of any Member making a request or, where appropriate, the President, and the name and location of the intended recipient of such earmark.

Let me say that once again. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the name of the Member—maybe it is ROBERT C. BYRD; perhaps it could be the distinguished ARLEN SPECTER from Pennsylvania, a great Senator—making the request or, where appropriate, the President, Mr. Bush, and the name and location of the intended recipient of such earmark.

For each earmark contained in the fiscal year 2008 bills and reports, a Member is required to certify in writing that he or she has no pecuniary interest in such earmark, consistent with Senate rule XXXVII, paragraph 4. Such certifications are available to the people, the public. All committee bills and reports, including all of the above information, are available to the people, available to the public, on the Internet and in printed form prior to floor action, meaning action here on this Senate floor.

Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President. Now, let me say that once again, please. Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President—the President of the United States, President Bush.

The level of nonproject-based earmarks is a substantial reduction below the level approved for 2006. We are not hiding these earmarks. We are highlighting them for the scrutiny of the American people. We are accountable for the decisions in these bills and reports.

The status quo is not satisfactory, and the Appropriations Committee has taken the lead in adding transparency and accountability to the process. Eliminating waste and abuse in the Federal budget process is important. Protecting the character and design of the Constitution is essential. Get it, get it, now. Let us not lose our heads—but keep our heads on our shoulders—let us not lose our heads, and subsequently the safeguards of our rights and liberties as American citizens.

S. 1 strikes the right balance. I urge its adoption.

Madam President, I have a parliamentary inquiry: Section 511 of S. 1 amends rule XXVIII concerning out-of-scope matter in conference reports, and section 521 establishes a new rule XLIV concerning congressionally directed spending in all legislation pending before the Senate. Specifically, section 521 contains rules concerning new congressionally directed spending that might be included in a conference report.

Madam President, am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator is correct.

Mr. BYRD. Excuse me, Madam President.

I will repeat that. Am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, am I correct that in paragraph 8(e) of the new rule XLIV—the new rule XLIV—the term ''measure'' refers to the bill or amendment committed to the conferees by either House, and not to the statement of managers?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, the new rule XLIV requires the chairman—this is the new rule XLIV—requires the chairman of the committee of jurisdiction to certify that mandated information on congressionally directed spending, limited tax benefits, and limited tariff benefits is available on a publicly accessible congressional Web site at least 48 hours before a vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Am I correct, Madam President, that the Parliamentarian will rely on that certification for determining compliance with paragraphs 1, 2, and 3 of rule XLIV?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Madam President, I yield the floor.

SMALL BUSINESS TAX RELIEF ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 976, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Pending:

Baucus amendment No. 2530, in the nature of a substitute.

Dorgan amendment No. 2534 (to amendment No. 2530), to revise and extend the Indian Health Care Improvement Act.

McConnell/Specter amendment No. 2599 (to amendment No. 2530), to express the sense of the Senate that Judge Leslie Southwick should receive a vote by the full Senate.

Thune amendment No. 2579 (to amendment No. 2530), to exclude individuals with alternative minimum tax liability from eligibility from SCHIP coverage.

Grassley (for Ensign) amendment No. 2541 (to amendment No. 2530), to prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State.

Grassley (for Ensign) amendment No. 2540 (to amendment No. 2530), to prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State.

Grassley (for Graham) amendment No. 2558 (to amendment No. 2530), to sunset the increase in the tax on tobacco products on September 30, 2012.

Grassley (for Kyl) amendment No. 2537 (to amendment No. 2530), to minimize the erosion of private health coverage.

Grassley (for Kyl) amendment No. 2562 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space.

Baucus (for Specter) amendment No. 2557 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent.

Webb amendment No. 2618 (to amendment No. 2530), to eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations.

The PRESIDING OFFICER. The time until 1:40 will be equally divided between the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY.

The Senator from Pennsylvania.

AMENDMENT NO. 2557

Mr. SPECTER. Madam President, I have consulted with both of the managers about bringing up amendment No. 2557. I consulted with Senator GRASSLEY, who advised that we would be going back on the bill at 12:45, but the distinguished Senator from West Virginia had extended his time. But I have been waiting here now for more than an hour. It would be my hope we could proceed with the consideration of this amendment. I am advised the managers want to see the amendment.

I am advised, Madam President, that the Democrats are fine with my calling it up. I just want to be sure—

Mr. SANDERS. Madam President, my understanding is that the Senator from Pennsylvania is correct. He can proceed.

Mr. SPECTER. In that event, Madam President, I ask unanimous consent that the pending amendment be set aside so we may consider amendment No. 2557.

The PRESIDING OFFICER. The amendment has already been offered.

Mr. SPECTER. Yes. Fine.

This amendment would eliminate the 1993 alternative minimum tax rate increase, a remedial step which I suggest to my colleagues is long overdue. The alternative minimum tax was created in 1969 in response to a small number of high-income individuals who had paid little or no Federal income taxes.

Today, because of a lack of indexing for inflation, and the higher AMT tax rates relative to the regular income tax system, we have a parallel tax system which has grown far beyond its intended result.

If there is no legislative action, the number of taxpayers subject to the alternative minimum tax will rise sharply from approximately 3.5 million filers in 2006 to some 23 million in 2007.

This issue has been before the Senate four times this year already. It will hit taxpayers in the moderate range excessively hard. The alternative minimum tax was increased in 1993 from 24 percent to 26 percent for taxable income under $175,000, and from 24 to 28 percent for taxable income in excess of $175,000.

There has been some question as to what is the offset and there is no offset, and none should be looked for where you have a tax which essentially was not expected to be imposed. There was no anticipation, no intention that this alternative minimum tax was going to produce additional revenue. So when the tax law is corrected so the additional taxes will not be imposed because of bracket creep—and this is designed to avoid that, and to redirect the alternative minimum tax to its original intent—that is exactly what tax fairness requires.

Madam President, I ask unanimous consent that the full text of my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR ARLEN SPECTER

SPECTER AMENDMENT #2557

Mr. President, I have sought recognition to discuss an amendment to H.R. 976, the Small Business Tax Relief bill. H.R. 976 will serve as a vehicle for legislation to reauthorize the State Children's Health Insurance Program (SCHIP) in the Senate. My amendment is identical to legislation (S. 734) I offered on March 1, 2007, to bring the Alternative Minimum Tax (AMT) back ''in line'' with the regular individual income tax by reducing its rate back to 24 percent. The 1993 AMT rate increase has contributed greatly to the problem of unintended taxpayers seeing increased tax liability.

The AMT is a flawed income tax system and there are many arguments for full repeal. It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. Today, between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we have a tax system which has grown far beyond its intended result. Absent legislative action, the number of taxpayers subject to AMT liability will rise sharply from 3.5 million filers in 2006 to 23 million in 2007. According to the Congressional Research Service (CRS), 874,000 taxpayers in Pennsylvania will pay the AMT in 2007 if no action is taken.

The Senate has had ample opportunity to address AMT in 2007. The Senate has already rejected four efforts to provide taxpayers with meaningful relief from the AMT in this first session of the 110th Congress. However, all attempts have been rejected: on July 20, 2007, I voted in support of a Kyl amendment to the Education Reconciliation Bill, which would have fully repealed the AMT; on March 23, 2007, I voted in support of a Lott amendment to the Budget Resolution, which would have allowed for repeal the 1993 AMT rate increase; on March 23, 2007, I voted in support of a Grassley Amendment to the Budget Resolution, which would have allowed a full repeal of the AMT; and On March 23, 2007, I voted in support of a Sessions Amendment to the Budget Resolution, which would have allowed families to deduct personal exemptions when calculating their AMT liability.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation (while the regular income tax is indexed) and taxpayers are ''pushed'' into the AMT through so-called ''bracket creep.'' Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006.

In addition to the well-known issue of the need to index the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. These changes are now slamming the middle-class and have only been made worse by the tax relief enacted in 2001 and 2003. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT

tax rates created in 1993. However, the problem is not the 2001/2003 tax relief, it was the 1993 tax increase.

According to revenue estimates calculated by the Joint Committee on Taxation, repeal of the 1993 AMT rate increase would cost $425 billion over the 2007–2017 period. In tax year 2007, 7.6 million filers would be removed from the AMT if the '93 AMT rate is repealed; and 13.2 million filers will be spared in 2017.

Millions of taxpayers have been sucked into AMT liability as a result of the 1993 AMT rate increase, and it would be the wrong approach to ''fix'' the AMT by increasing taxes yet again. In addition, some may argue that this amendment is fiscally irresponsible because the lost revenue is not fully offset. However, it is highly questionable to justify raising taxes elsewhere to account for lost revenue that was never intended to be collected.

The AMT is a flawed income tax system and there are many arguments for full repeal. At the very least, we should take steps to undo past mistakes, most notably the 1993 AMT rate increase. In what will likely be the final attempt to address AMT before we head home to speak with our constituents during the August recess, I implore my colleagues to cast an aye vote for my amendment. Twenty-three million Americans are counting on it.

I ask consent to enter into the record several articles published in the Wall Street Journal advocating for a repeal of the 1993 AMT rate increase. This legislation is supported by Americans for Tax Reform and by the National Taxpayers Union. I ask consent to enter into the record letters of support from Americans for Tax Reform (ATR) and the National Taxpayer Union (NTU).

Mr. SPECTER. It is a pretty simple, open-and-shut matter, and it does not take a whole lot of time to explain. I know the managers are not on the floor, but I did want to have the amendment considered, setting aside the other amendments, so we could engage in argument and be prepared to debate it further.

Unless the Senator from Vermont indicates—with a hand gesture, a time-out, no argument at this time—I will be available to return to the floor when the managers consider it appropriate. But I wanted to get this on the record.

Before departing, might I add my words of congratulations and admiration for the distinguished Senator from West Virginia. I hadn't planned to listen to his extended speech, but I wanted to be here at the moment it concluded, because sometimes when you are not here, half a dozen Senators precede you.

AMENDMENT NO. 2627 TO AMENDMENT NO. 2530

(Purpose: To ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance)

Madam President, I have been asked to ask unanimous consent to temporarily set aside the pending amendment and call up amendment No. 2627 for Senator COBURN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 2627 to amendment No. 2530.

Mr. SPECTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont is recognized.

AMENDMENT NO. 2600 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2600, that the amendment be considered as read, and that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2600 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2600

(Purpose: To amend title XXI of the Social Security Act to limit the use of funds for States that receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children)

On page 83, strike line 2 and insert the following:

level.

''(C) USE OF FUNDS.—Payments under this paragraph may only be used to provide health care coverage or to expand health care access or infrastructure, including, but not limited to, the provision of school-based health services, dental care, mental health services, Federally-qualified health center services, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.''.

AMENDMENT NO. 2571 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent that the pending amendment be set aside to call up Sanders amendment No. 2571, that the amendment be considered as read, and that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment 2571 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2571

(Purpose: To establish an incentive program for State health access innovations)

At the end of title I, insert the following:

SEC. ___. INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.

Section 2104, as amended by section 108, is amended by adding at the end the following new subsection:

''(1) INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.—

''(1) ESTABLISHMENT OF STATE HEALTH ACCESS INNOVATIONS INCENTIVE POOL.—

''(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP State Health Access Innovations Pool' (in this subsection referred to as the 'SHAI Pool''). Amounts in the SHAI Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

''(B) TRANSFER OF FUNDS.—Notwithstanding subsection (j)(1)(B)(i), from the amount appropriated for fiscal year 2008 under such subsection, $250,000,000 of such amount is hereby transferred to the SHAI Pool and made available for expenditure from such pool for the period of fiscal years 2008 through 2012.

''(2) AWARD OF GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible States from amounts in the SHAI Pool in accordance with this subsection.

''(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State—

''(i) for which the percentage of low-income children without health insurance (as determined by the Secretary on the basis of the most recent data available) is less than 10 percent; and

''(ii) that submits an application for a grant from the SHAI Pool for the purpose of carrying out programs and activities that are designed to expand access to health providers and health services for low-income children who are eligible for medical assistance under the State plan under title XIX (or a waiver of such plan) or child health assistance under the State child health plan under this title.

''(3) REQUIREMENTS.—

''(A) PRIORITY IN AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to grant applications that—

''(i) propose innovative approaches to increasing the availability of health care providers and services;

''(ii) create longer-term improvements in health care infrastructure;

''(iii) have potential application in other States;

''(iv) seek to remedy shortages of health care providers; or

''(v) result in the direct provision of health services.

''(B) PROHIBITIONS.—The Secretary shall not—

''(i) award a grant to carry out programs or activities which the Secretary determines would substitute for services or funds provided by a State or the Federal Government; or

''(ii) disapprove any grant application on the basis that programs or activities to be conducted with funds provided under the grant would be provided through or by an entity that otherwise receives Federal or State funding, such as a Federally-qualified health center.

''(C) TERM, AMOUNT, AND NUMBER OF GRANTS PER ELIGIBLE STATES.—

''(i) TERM.—A grant awarded under this subsection may be renewed each year for a period of up to 5 years, but in no case later than fiscal year 2012.

''(ii) AMOUNT.—No grant awarded under this subsection may exceed $2,000,000 for any fiscal year.

''(iii) NO LIMIT ON NUMBER OF GRANTS PER STATE.—Nothing in this subsection shall be construed as limiting the number of grants that an eligible State may be awarded under this subsection.

''(D) ANNUAL AGGREGATE LIMIT.—The aggregate amount of all grants awarded from the SHAI pool shall not exceed—

''(i) $50,000,000 in fiscal year 2008;

''(ii) $100,000,000 in fiscal year 2009;

''(iii) $150,000,000 in fiscal year 2010;

''(iv) $200,000,000 in fiscal year 2011; and

''(v) $250,000,000 in fiscal year 2012.''.

Mr. SANDERS. Madam President, as my colleagues know, this legislation, the SCHIP legislation, includes a $3 billion incentive pool, and the purpose of this pool is to provide States with the funding they need to do outreach efforts in order to attract children into the program. The reality is, however, a number of States today have already enrolled 90 percent of their kids into the SCHIP program, and with the passage of this bill, more States will soon be at that level.

Further, we want to provide strong incentives for States below the 90-percent enrollment to reach that level.

This amendment, in order to incentivize States to reach that level of 90 percent, would allow States to apply for multiple grants of up to $2 million each when they achieve an enrollment rate of greater than 90 percent of children below 200 percent of poverty. These grants would help assure the children we enroll in SCHIP have a place to go to receive medical care and to find the personnel they need to provide that care. These grants would come from a pool of money—the State Health Access Innovations Pool—of $250 million, about 8 percent of the $3 billion incentive pool. This money will be used to find innovative approaches to increasing the availability of health and providers and services and would result in the direct provision of health services.

The reason for this initiative is pretty clear. In Vermont and in many other parts of this country, one can, in fact, have health insurance and yet find it quite difficult to buy or to find providers of that service. So what we are saying is let us make sure that when our kids do have health insurance, there will be doctors, there will be dentists, and there will be other health care providers. This is a good amendment, and I certainly hope it will be supported.

The other amendment I have offered, amendment No. 2600, is a simple amendment to Section 111 of the Children's Health Insurance Program reauthorization. Section 111, as my colleagues know, applies to certain qualifying States that expanded their Medicaid Program to cover kids prior to the enactment of CHIP in 1997. I wish to commend the Finance Committee for working language into the current bill that will no longer penalize these ''early expansion States'' and will allow States to cover children between 133 percent and 300 percent of the Federal poverty level to be covered under the CHIP program.

My amendment simply states that payments to States to cover these children who were previously covered under Medicaid be used solely to fund health care-related activities. Specifically, the language states that payments may only be used to provide coverage or to expand access for health care infrastructure, including but not limited to the provision of school-based health services, dental care, mental health services, federally qualified health centers, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.

This amendment is a simple provision that will specify that States benefiting from an increased match must use these funds for health care and will allow States to address coverage issues as well as the crucial area of expanding access to services, something that particularly affects rural and inner city communities. I urge support for this amendment.

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 Iowa is recognized.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG COMPANY PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I would like to take a few minutes today to discuss an important issue that affects all Americans who take prescription drugs. Specifically, I am going to speak about the need for greater transparency in the payment that doctors who bill Medicare and Medicaid receive from drug companies.

Over the past few years, it became apparent during my inquiries into the Food and Drug Administration that drug companies pay physicians for a variety of different reasons. Indeed, some of our leading physicians—doctors who have significant influence in their medical fields—receive tens of thousands of dollars every year from drug companies. For some, these payments can make up a considerable amount of their annual income.

The payments can take the form of honoraria for speaking engagements, payments to sit on advisory panels, and funding for research. Further, drug companies spend about $1 billion a year to fund educational courses that doctors are required to take every year called Continuing Medical Education, or CME.

In April, the Finance Committee staff prepared a report on pharmaceutical companies' support of Continuing Medical Education. This report found that some educational courses supported by drug companies have become veiled forms of advertising that encourage off-label use of drugs.

Let's review how this works. Right now, it is possible for a doctor to attend a CME—continuing medical education—course sponsored by a drug company. That same company can make payments to doctors who will teach the course, and the doctor who teaches the course can discuss the findings of research paid for by the company. Now, that may sound like a conflict and unethical, but that is how it happens. The whole field is connected by a tangled web of drug company money.

To try and understand this a little better, I have been exploring the money doctors get from drug companies, especially the doctors who work as academic researchers. Most universities require their academic researchers to report outside income. I have sent letters to a handful of universities to understand how well such a reporting system actually works. I haven't received all the information yet, but I can comment on some of the things I have already found.

Most universities require professors to report outside income that may create a conflict of interest with their research. This means that if a doctor at a university is receiving money from a company either for research, speaking fees or to sit on an advisory panel, then they have to report that income. But there appears to be a couple of problems, and let's say a couple of problems with the whole system, as I found out.

The only person who knows if the reported income is accurate and complete is the doctor who is receiving the money. The university doesn't necessarily police its own people to make sure they are reporting everything they are supposed to report. It seems that some of these academics are getting so much money coming in from so many different companies they need an accountant to be sure everything is reported accurately.

Second, these disclosures are usually kept secret. So if there is a doctor getting thousands of dollars from a drug company, payments that might be affecting his or her objectivity, the only people outside the pharmaceutical industry who will probably ever know about this are the people at that very university, if they are even keeping track of it, and we don't know that they are keeping track of it. But most Americans never get a fair chance to see this information.

To give one example, I sent a letter to the University of Cincinnati asking about how much money the drug companies have been paying one of their psychiatrists, Dr. Melissa DelBello. Back in May, The New York Times reported on the research done by Dr. DelBello to see if adolescents could be treated for bipolar disorder with a powerful drug called Seroquel, which is manufactured by Astra Zeneca. The study was funded by Astra Zeneca and showed that Seroquel was a good choice for treating bipolar disorder in children. Dr. DelBello's study was later cited by a prominent panel of experts who concluded that drugs such as Seroquel should be a first-line treatment for children with bipolar disorder.

Here is where it gets interesting. After Dr. DelBello released her study, Astra Zeneca began hiring her to give several sponsored talks. Another doctor told The New York Times he was persuaded to start prescribing drugs

such as Seroquel after listening to Dr. DelBello. But when the reporter from the New York Times asked Dr. DelBello how much money she got from Astra Zeneca, she told the paper: ''Trust me. I don't make much.''

Well, I decided to find out how much, and I went directly to the University of Cincinnati who, by the way, has been extremely cooperative, helpful, and responsive. Soon I figured out just how much ''not that much'' money is. Dr. DelBello's study, which helped put Seroquel on the map, was published in 2002. That next year, she got more money than she has ever received from the pharmaceutical companies—at least that is what the documents that I have say.

In 2003, Astra Zeneca alone paid her a little over $100,000 for lectures, consulting fees, travel expenses, and service on advisory boards. In 2004, Astra Zeneca paid her over $80,000 for the same services.

Now I am not saying this money was a payoff or suggesting there is something inherently bad with accepting drug company money, but let me tell you what Dr. Steven E. Hyman, provost, Harvard University and former Director of the National Institute of Mental Health, said.

He said these payments could encourage psychiatrists to use drugs in ways that endanger patients' physical health. Specifically, he said of doctors:

> We don't connect the wires in our own lives about how money is affecting our profession and putting our patients at risk.

I think this is a rather interesting assessment by Dr. Hyman.

But let me continue. Just last March, several leading physicians released a study on pharmaceutical company payments to physicians. They published this study in the Journal of the American Medical Association, one of the most prestigious journals in medicine. I would like to quote what they concluded about the need to provide public disclosure of these payments to doctors:

> Full disclosure would better allow the public to appreciate the relationship between industry and the health profession.

And so, for the sake of transparency and accountability, shouldn't the American public know who their doctor is taking money from? After all, anybody can go on the Internet and see who is funding the campaigns for federally elected officials. Because doctors are expected to look out for the health and well-being of their patients, shouldn't we hold doctors to similar standards?

In fact, some of this is already occurring. Minnesota requires drug companies to report any payments they give to doctors in that State. I think that is a good thing. Apparently, so do the citizens of Minnesota.

I think what we really need is a national program that will require all drug companies to report when they make payments to doctors. I don't think it would be all that hard for those companies to do. After all, companies have to make sure they know where every penny is going. So it should not be that hard to report some of it to the Federal Government and to the American people. Besides, they are already doing it in Minnesota.

In closing, I plan to continue my inquiry into drug company payments to doctors. In addition, I look forward to working with my colleagues in the Senate, as well as members of the pharmaceutical industry, to establish a national reporting system.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to be recognized for 7 minutes, and if the Chair would notify me when I have used 6 minutes.

The PRESIDING OFFICER. The Chair will do so. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this opportunity to speak in favor of the Children's Health Insurance Program and its reauthorization, which is the legislation that is before us. We hear the numbers that 6 million children benefit from the program today—over 6 million—and this will provide for an additional 3 million children.

I want my colleagues to know that each one of these people are people, they are families, and they are affected by what we do here today. I take this time to acquaint my colleagues to Deamonte Driver. He was a 12-year-old who didn't live far from here—6 miles from here—in Prince Georges County, MD. He had a tooth problem. His mother tried to get him help. He had no insurance, and he fell through the cracks. He had a brother, Dashawn Driver, who had six decaying teeth. They tried to get help for him. The mother thought the older brother was in worse shape than Deamonte. He started having headaches and was rushed to the emergency room. They found out his problem—he could not get to a dentist—was an abscessed tooth.

Before this, a social worker made 20 phone calls in an effort to try to get dental care for the Driver family, without success. They could not find a dentist willing to treat someone without insurance or in the Medicaid system. Deamonte ended up needing emergency surgery, which cost $250,000, and he ended up losing his life because the system did not provide care for a 12-year-old.

Mr. President, we can certainly do better than that. Dr. Koop, a former Surgeon General of the United States, said, ''There is no health care without oral health.'' Medical research has shown the linkage between plaque and heart disease. We know now that gum disease can be a signal of diabetes or a liver ailment or a hormone imbalance. We have to do better than we are doing today.

Dental disease is the most common childhood ailment in the United States to date. One out of five children between the ages of 2 to 4 will have some form of decaying teeth. By the time they reach 15, three out of five will have tooth decay.

There is an imbalance as far as the racial effects. Racial minorities are much more likely to sustain untreated tooth decay. Forty percent of African-American children have untreated tooth decay.

I thank my colleague, Senator BINGAMAN, for his leadership on these issues and for introducing legislation and moving forward to try to provide better oral health care for children. I thank Senator SNOWE for her leadership. I thank Senator BAUCUS and Senator GRASSLEY for including initiatives in the legislation that is before us that will help the States meet this challenge—the $200 million included in the bill. That will have a major impact to try to help American families.

We have an important opportunity before us in the legislation that we are considering to help our children, not only to continue the benefits for 6.6 million children but so that we can add another 3 million out of the 9 million who currently have no health insurance.

We have to do more, but this is our opportunity today, and we have to take advantage of it. Our health care system is in crisis.

Earlier this week, I introduced the Universal Health Coverage Act, which would require everybody in this country to have health insurance. I think it is essential that we address the major problems in our country of so many people being without health insurance. We should start with the children, and we can do that with the legislation that is before us.

Why is that important? Well, we know that children who are enrolled in the Children's Health Insurance Program or have insurance are much more likely to get primary health care. They won't use the emergency rooms as much. If you don't have insurance, you have no choice but to go to the emergency room. We have improved health care outcomes if the child has health insurance. We know they are much more likely to have immunization and primary health care.

I want to comment that—again, talking about families and individuals—the Finance Committee held a hearing on the Children's Health Insurance Program. The Bedford family from my city of Baltimore came down here and testified.

Mrs. Bedford said:

> We no longer have to decide whether a child is really sick enough to warrant a doctor's visit.

The Bedford family enrolled in the Children's Health Insurance Program in Maryland. The program is working. Without this legislation, we will have to reimpose freezes on enrollments and people will lose coverage. It happened

in my State. This is a bipartisan bill, and I compliment my colleagues for bringing forward a bill that we can get enacted into law.

In Maryland, we started a program on July 1, 1998. About 38,000 children were enrolled at first, and we are up to 101,000 children enrolled today. Maryland will get an increase in this bill from $67 million to $189 million. We will be able to enroll 42,000 more children in the State of Maryland. It is an important program.

I also compliment the committee for including outreach so that we can reach families who don't know how to enroll, or whether they are qualified to enroll, so we can get more families and children enrolled in the children's health care program.

Mr. President, I urge my colleagues to take advantage of the opportunity that we currently have before us. This is an opportunity in which we can make major progress in dealing with those children in our community who will either lose their coverage because we take no action, and those who currently have no insurance whom we can get enrolled in this program. It is a valuable program. We have an opportunity to move forward. So I urge my colleagues to support the fine effort of the Senate Finance Committee in bringing forward this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ETHICS AND LOBBYING REFORM

Mrs. MCCASKILL. Mr. President, I rise today to say I am proud, very proud. I came to Washington hoping that we could make a difference in terms of the way business is done here. And I will be honest, I had some moments of doubt over the last 6 months. There were times that I wandered around the floor of the Senate, and even among my own party and the other party, and I heard kind of a murmuring of discontent over the ethics reform that we passed back in January. I got nervous that we weren't serious about it, that we really weren't going to push the kind of cleansing of things that we have done in the legislation before us on which we are about to vote.

This isn't hard, what we are doing. We are trying to live like everybody else in America. Most Americans don't have a corporation they can call for a ride on a jet plane. Most Americans don't have somebody who wants to pay for a fancy trip. Most Americans really don't have the ability to decide that one group in their State gets money when others don't. But we did here. That was wrong.

That is why I am so proud of this legislation. Is it perfect? No. I will wait—probably in vain—for that piece of legislation that we pass that is perfect. But because of our process, because of the glorious nature of a democracy, it is always a matter of give and take, always a matter of finding compromise to find that piece of legislation that can get enough votes so that we can send it to the President's desk. That is what this process was.

Now, I have some friends—and, frankly, some people I agree with—on the other side of the aisle who are unhappy with some of the provisions in this bill. They are willing to look at the bundling provisions, the ban on travel and gifts, and the ban on corporate jets. They are willing to overlook the revolving door reforms—reforms in terms of sneaking provisions into conference bills without them ever being in either piece of legislation in the House and Senate, and focus in on just the inadequacies of the earmark reform.

Well, would I have liked it to be a 67-vote point of order rather than a 60-vote point of order? Yes, I would have. Would I have wished for a system maybe that was even more transparent? Yes. But this is major reform. I will tell you that there are a few Senators who do not participate in the earmarking process, and I am not here to pat them or myself on the back for the fact that we do not do that.

I will say I think it is interesting that the phrase ''the fox in the henhouse'' was used as to the provisions in this bill. You know, there is a saying, ''all hat and no cattle.'' Well, I think that maybe this is the time to use the phrase ''all foxes and no hens,'' because if you step back from this issue of earmark reform, it is not complicated. It is pretty easy. As one of the cartoons said, ''We have met the enemy and it is us.''

All we have to do to achieve the transparency that we need is for every Senator to put every earmark request that they are making on their Web site. I will say it again. All we have to do is have every Senator put every earmark request they are making on their own Web site. And then it won't be hard to make sure that the chairman of the committee or the majority floor leader have, in fact, certified all of the earmarks. I am a little offended that there is some assumption that these chairmen and the majority leader would go out of their way to not tell the public there is a congressionally directed expenditure in the bill and will try to hide it. They are going to be caught if they do that. It is going to become public.

Then you will have the kind of accountability that really works around here. So I was disappointed when I heard that one of the Members of the other Chamber said he thought he could put earmarks in this conference report because we needed to vet it. It is not our job to vet them. It is not the Parliamentarian's job. They don't have the staff to do this. That is the job of the people of the United States because, guess what. It is their money.

This is a strong ethics bill. Even though I was a cosponsor along with the Senators who spoke against this on the earmark reform, I want to say this goes a long way in the right direction. It is a great effort. I am proud of Senator REID, Senator FEINSTEIN, Senator FEINGOLD, Senator OBAMA, and all of the other Senators who worked on this bill, and many on the Republican side have as well. I think we are going to pass it by a big number today. It is a moment we should all be proud of, an accomplishment we should herald, and we should remember that if we are worried about foxes, we ought to check in our own closet for that fox outfit before we start pointing the finger at anybody.

I yield back the remainder of my time.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion offered by the majority leader to concur in the House amendment to S. 1.

Mr. GRASSLEY. 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 assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR), would vote ''aye.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

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 83, nays 14, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—83

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Dorgan	McCaskill
Barrasso	Durbin	McConnell
Baucus	Enzi	Menendez
Bayh	Feingold	Mikulski
Biden	Feinstein	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nelson (FL)
Boxer	Hagel	Nelson (NE)
Brown	Harkin	Obama
Brownback	Hatch	Pryor
Bunning	Hutchison	Reed
Byrd	Inouye	Reid
Cantwell	Isakson	Roberts
Cardin	Kennedy	Rockefeller
Carper	Kerry	Salazar
Casey	Kohl	Sanders
Chambliss	Landrieu	Schumer
Clinton	Lautenberg	Sessions
Collins	Leahy	Shelby
Conrad	Levin	Smith
Corker	Lieberman	Snowe
Dodd	Lincoln	Specter

Stabenow	Thune	Webb
Stevens	Vitter	Whitehouse
Sununu	Voinovich	Wyden
Tester	Warner	

NAYS—14

Bennett	Craig	Inhofe
Burr	Crapo	Kyl
Coburn	DeMint	Lott
Cochran	Ensign	McCain
Cornyn	Graham	

NOT VOTING—3

Coleman	Johnson	Klobuchar

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS TAX RELIEF ACT OF 2007—Continued

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Virginia, Senator WEBB, be recognized for 1 minute; and then following him, the Senator from Oregon would like 3 minutes on the bill, and then Senator VITTER would be No. 3, with no time for Senator VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 2618

Mr. WEBB. Mr. President, I ask for regular order with respect to my amendment No. 2618, which is a pending amendment to the Children's Health Insurance Program bill.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 2618, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent to modify my amendment, and I now send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike Section 701 and insert the following:

SEC. ___. ELIMINATION OF DEFERRAL OF TAXATION OF CERTAIN INCOME OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

''(e) SPECIAL APPLICATION OF SUBPART.—

''(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

''(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of such corporations end.

Mr. WEBB. Mr. President, the technical modification to my amendment simply makes clear that the amendment strikes section 701 of the bill, which is the tobacco tax revenue-raising section, and replaces section 701 with a section eliminating the current law on tax deferral of foreign corporate income.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2934 WITHDRAWN

Mr. DORGAN. Mr. President, early in the consideration of the children's health insurance bill we are now considering, I offered an amendment, No. 2534. The amendment was to reauthorize the Indian Health Care Improvement Act, a piece of legislation we have moved through the Indian Affairs Committee, an authorization for Indian health care matters that has been proposed 11 times before in the last 8 years but has not passed the Congress.

We have a full-scale emergency and crisis with respect to Indian health care. I will not go on at great length except to say this: This Government has a responsibility for health care for Federal prisoners, and we also have a trust responsibility for health care for American Indians. We spend twice as much per person on health care for Federal prisoners as we do to meet our trust responsibility to provide health care for American Indians. I believe I can say without hesitation that there will be people who will die today and tomorrow in this country because we do not have adequate health care and have not kept our promise to the American Indians with respect to the trust responsibility for health care on Indian reservations.

I have determined we are going to pass this legislation this year. With the cooperation of my colleague from Montana, Senator BAUCUS, who indicated yesterday the Finance Committee will mark up this bill on September 12—it is a very important commitment from someone who shares my passion on this and who is a very strong supporter of American Indians and Indian health care—and with a commitment from Senator REID, who similarly is a very strong supporter of these issues, that he will bring that bill to the floor of the Senate in this session of the Congress—with those commitments, I believe we will now, finally, in the Senate, pass the Indian Health Care Improvement Act, at long last.

With those commitments, I am confident we are on the road to getting done what we need to get done to meet our responsibility. Because of that, I will withdraw my amendment to reauthorize the Indian Health Care Improvement Act on this Children's Health Insurance Program bill, and I ask unanimous consent to withdraw amendment No. 2534.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much compliment the Senator from North Dakota. He is absolutely correct. This legislation is on a must-pass list. I have given my commitment to mark the bill up on September 12 in the Finance Committee. The leader has indicated he will give every assurance to try to get the legislation up on the Senate floor and go on to pass it. It has passed before, but it got hung up in the last Congress. It is high time we get this legislation passed, and I thank the Senator for, first, pushing the issue so hard and, second, working with the Senate to find an expeditious way to get this legislation passed.

Mr. President, I ask unanimous consent that after Senator VITTER is recognized, Senator KOHL be recognized for 5 minutes and Senator ALLARD be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 2596, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. VITTER. Mr. President, I ask unanimous consent to set aside any pending business so that amendment No. 2596 may be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Now I send a technical modification to the desk.

The PRESIDING OFFICER. The Senator will suspend. The clerk will report.

The Senator from Louisiana [Mr. VITTER], for himself and Mr. DEMINT, proposes an amendment No. 2596, as modified, to amendment No. 2530.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2596), as modified, is as follows:

At the end of title I, insert the following:

SEC. _____. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

''(12) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

''(A) IN GENERAL.—No payment may be made under this title with respect to an individual who is eligible for coverage under qualified employer-sponsored coverage, either as an individual or as part of family coverage, except with respect to expenditures for providing a premium assistance subsidy for such coverage in accordance with the requirements of this paragraph.

''(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

''(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

''(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

''(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

''(III) cost-effective, as determined under clause (ii).

''(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

''(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

''(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

''(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

''(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

''(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

''(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

''(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

''(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

''(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

''(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

''(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

''(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

''(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

''(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

''(I) NOTICE OF AVAILABILITY.—A State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.''.

(b) APPLICATION TO MEDICAID.—Section 1906(d) (42 U.S.C. 1396e(d)), as added by section 401(b) is amended by adding at the end the following: ''The provisions of section 2105(c)(12) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.''.

Mr. VITTER. Mr. President, I also ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, this is an important amendment in the context of what we are doing with regard to the SCHIP program. It will ensure that families who are now covered by health insurance stay covered and are not, in fact—perhaps unintentionally but are nonetheless—kicked off or encouraged to leave their current health insurance for the SCHIP program. It is an issue called crowding out.

The goal of the amendment is very clear. We want to encourage children who are eligible for SCHIP but currently have access to employer coverage to use that employer coverage. If they have difficulty maintaining that because of costs, we want to give States the flexibility so they can maintain that coverage. What we do not want to do—certainly what I do not want to do, what Senator DEMINT does not want to do, and I hope what the huge majority of Members of this body do not want to do—is create a mechanism to push people off good private insurance or to encourage them to drop good private insurance or to encourage employers to drop that coverage simply because we are reauthorizing and perhaps expanding SCHIP. No child and no family should be forced onto any Government health insurance program if they are currently insured otherwise through the private sector, through the employer, et cetera.

CBO's own numbers show that 40 percent to 50 percent of the kids covered under SCHIP and 40 percent to 50 percent of those who would become eligible under this SCHIP expansion are, in fact, kids who are shifted out of private

coverage into SCHIP. The CBO analysis on this issue is very clear on this point. In my mind, there is no reason the taxpayers should be paying for that insurance for folks already on good private sector insurance. We should not be encouraging this very significant shift, this very significant crowding out.

As I suggested, opponents of this amendment might say: We are not for that because it may be too costly for some of these families to pay premiums in private plans even if they are currently on them. We recognize that argument and that reality. Our amendment—this is very significant—our amendment allows premium subsidies for these individuals who need that to keep them on their current private coverage and to ensure that coverage is affordable. We maintain State flexibility in implementing those subsidies. We give the States enough leeway, enough flexibility to create and maintain those subsidies to keep folks on good private insurance. The Vitter-DeMint amendment requires individuals who are eligible for SCHIP but currently have employer coverage to continue to use that coverage. If they truly need help, truly need premium subsidies, States have the flexibility to do that.

I believe the clear majority of the public and the majority of those in Congress support Government help to those who need it. But just as true, a clear majority of the public, a clear majority of us do not want to create an incentive to kick people out of insurance they have. We do not want to create an incentive for employers to end or limit insurance they have. That would be a very negative consequence of these good intentions. Our amendment prevents that to a great extent. In doing so, I have to say I think it draws a clear philosophical divide: Do we give people the resources, the ability to continue with their current quality care in the private sector or are we, in fact, all for pushing people into a one-size-fits-all Government-run program rather than allowing them that choice and that quality care in the private sector? My amendment says absolutely, if they are covered in the private sector, we want to encourage that to continue. We want to make sure that can work. We don't want to kick them out. We don't want to encourage employers to kick them out. But part of that is assisting families who really do need help to maintain that. That is a very important part of the Vitter-DeMint amendment also.

I think this is an idea which should have broad consensus and bipartisan support. I look forward to that on the floor of the Senate and invite my colleagues to look at this and then support the Vitter-DeMint amendment, No. 2596.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to talk about putting our country on a path to insuring all of its children. For the past decade, the Children's Health Insurance Program—CHIP—has given kids in working families the doctor's visits and medicines they need when they are sick, and the checkups they need to stay well.

Skyrocketing health care costs combined with a decline in employer-sponsored health insurance means that thousands of kids and families would go without basic medical care if CHIP did not fill the need. There are now more than 46 million uninsured Americans—9 million are children. This is simply unacceptable—every child needs health insurance.

Without health insurance, many families must forgo routine checkups, crossing their fingers that their children will stay healthy. If their son or daughter becomes ill, they wait to see if the symptoms go away. But delay can be tragic. If those symptoms linger or get worse, parents are forced to take their kids to the emergency room for help. When a common cold turns into pneumonia, what would have been a simple, cheap fix if caught early, mushrooms into a complicated, lengthy and expensive treatment.

Wisconsin's CHIP program, called BadgerCare, serves 67,000 working families and makes all the difference in a child's future. BadgerCare kids are healthier and more likely to succeed in school—including increased school attendance and a greater ability to pay attention in class.

However, there are over 100,000 kids in Wisconsin who are eligible for BadgerCare, but are left out—in danger of having a small health problem becoming a life threatening illness. In order to reach these kids, Wisconsin received a waiver from this administration to cover their parents. Secretary Leavitt recognized that when the family is insured, children have better access to health care and get the preventative health services they need saving expensive trips to the emergency room. BadgerCare provides seamless coverage for families and works to reduce the number of uninsured children. Strengthening BadgerCare will ensure that this successful program can continue to cover working families in Wisconsin. It is a good investment of our scarce Federal dollars.

The bipartisan Senate Finance Committee agreement to renew CHIP is the right approach. It provides an investment of $35 billion over 5 years to strengthen CHIP and it is completely paid for. No one loses health coverage as a result of this reauthorization. It keeps coverage for the 6.6 million low-income children currently enrolled in CHIP and gives States the resources necessary to reach an additional 3.2 million uninsured children eligible but not enrolled in CHIP.

The initial price tag may seem steep, but, in the long run, it will save money. By catching and treating childhood illnesses early, we will save money that would be spent on emergency care. I want to thank Senators BAUCUS and GRASSLEY for their tireless work on this compromise. It is my hope that the Senate will act to put kids first and support this bill.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2535, AS MODIFIED

Mr. ALLARD. I ask unanimous consent to modify amendment No. 2535.

The PRESIDING OFFICER. The amendment has not yet been called up.

Mr. ALLARD. I call up amendment No. 2535 and then ask unanimous consent that it be modified, and the modified version is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment No. 2535, as modified, to amendment No. 2530.

Mr. ALLARD. 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:

At the appropriate place, insert the following:

SEC. ____. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such 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.''.

Mr. ALLARD. Mr. President, I ask Senator MCCONNELL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending SCHIP legislation. This needs to be done, and it needs to be done in this reauthorization. The unborn child rule is a regulation that since 2002 has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child is in the womb—the child in the womb is a child.

When a pregnancy is involved, there are at least two patients; there is the mother and there is the baby. It only makes sense to cover the unborn child under a children's health program. The bill before us modifies the SCHIP statute to allow States to cover pregnant women of any age. It also contains language that asserts that the bill does not affirm either the legality or illegality of the 2002 ''unborn child'' rule. My amendment would codify the principle of the rule by amending the SCHIP law to clarify that a covered child:

> includes, at the option of a State, an unborn child.

The amendment further defines ''unborn child'' with a definition drawn verbatim from Public Law 108–212, the Unborn Victims of Violence Act. So it is not new language in our statute.

My amendment would also clarify that the coverage for the unborn child may include services to benefit either the mother or unborn child consistent with the health of both. In addition, the amendment clarifies that the States may provide mothers with postpartum services for 60 days after they give birth.

Many States' definition of coverage for pregnant women leads to the strange legal fiction that the adult pregnant woman is a child. Surely it was not the intent of anyone to develop a State Children's Health Insurance Program to allow a loophole for States to define a woman as a child. Surely we can agree that the child in the womb who receives health care is a child receiving care along with his or her mother.

My amendment will also allow for coverage of the mother, whereas the pending legislation only allows for pregnancy-related services. There are many conditions that can affect the mother's health during pregnancy that are not related to her pregnancy. Under the pending legislation, a pregnant mother could not get coverage for any condition that is not related to her pregnancy. We should be allowing mothers to stay healthy so they will have healthy babies.

This also leads to reduced costs associated with premature or low birthweight babies. Eleven States are already using this option to provide such care through the State Children's Health Insurance Program. If the intent of the sponsors is to provide coverage for the pregnant woman and her unborn child, then they should have no problem supporting my amendment.

We should ensure that pregnant women and their unborn children are both treated as patients. This is a matter of common sense. Every obstetrician knows that in treating a pregnant woman, he is treating two patients, the mother and her unborn child.

Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I am urging my colleagues to support my amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL.) The Senator from Montana.

Mr. BAUCUS. Madam President, as I have said many times in this debate, the Children's Health Insurance Program Reauthorization Act is good for America. I wish to take a few minutes to talk about why this children's health bill is good for my home State of Montana.

Montana ranks fifth highest in the Nation for the percentage of children without health insurance. In 2006, 37,000 Montana children did not have health insurance. That is one in every six children. More than half of those uninsured children, that is 19,000, were either eligible for Medicaid or for CHIP, the Children's Health Insurance Program, but not enrolled.

One of the reasons for our higher rate of uninsured kids is because the percentage of employers offering health care to Montana's working families is quite low. Less than half of all employers in the State of Montana offered health coverage in 2005. This means many working families do not have access to health coverage. Although families who do not have access to coverage through work could buy it on their own, health coverage is often priced out of reach for lower income families. The average cost of a family health plan on the open market in Montana is about $8,000 a year. That is nearly one-fifth of the family's income for a family of four earning $41,300, which is twice the poverty level. Again, the average cost is about $8,000, which is about one-fifth of a family's income for a family of four earning $40,000, and most families simply obviously cannot afford that cost.

CHIP, the legislation before us, offers affordable, comprehensive health coverage for working families. CHIP works, and it has helped thousands of Montana families.

Abigail Tuhy's family is one of those families. Abigail's mom, Fawn, is a mother of four, and Fawn's story tells volumes about why we need CHIP. She writes:

> I don't know what our family of six would do without [CHIP]. . . . In one year, my 2½-year-old had nine stitches because she split her head open and my 6 year old broke his arm two times. CHIP paid for the surgery, hospital stay and all of the care provided. CHIP has also paid for all of my children to receive all of their shots and their check-ups. Without CHIP, I would not have insurance for my children.

Abigail is only one of the more than 38,000 children helped by CHIP over the past decade. Today more than 14,000 Montana children are covered by it and the number is growing.

This year, the Montana legislature, for example, took a positive step forward, changing the CHIP eligibility level from 150 percent to 175 percent of the Federal poverty line. That is just over $36,000 for a family of four. Montana started implementing this expansion in July, which will bring an additional 2,000 children next year.

> This is clearly good news, but we cannot rest on our laurels. There are more uninsured children who need our help. The CHIP Reauthorization Act will provide Montana with the funding it needs to maintain current CHIP enrollment, fund its expansion, and make significant strides toward covering more of the uninsured children.

Under this legislation, Montana would receive about $28 million next year. That is $12 million more than its allotment for last year. New CHIP allotments, combined with new funds in the State to expand coverage to low-income children, could allow the State to cover as many as 12,000 children who are uninsured today.

The legislation before us also includes new funding to help Montana improve access to health care, including $200 million in new Federal grant money for States to improve the availability and comprehensiveness of dental health for children, and $100 million in Federal grants to improve outreach and enrollment, especially in rural areas.

This bill also includes provisions that specifically target Indian Country. Although Indian children are eligible for coverage through the Indian Health Service and tribal facilities, the IHS, the Indian Health Service, is only funded at 60 percent of need today, leading to tragic denials of care when funds run out. I mean it is abominable. This bill makes important changes to improve the health of Indian children. It provides new funds for outreach and enrollment in Medicaid and in CHIP. It also allows those Indians to use tribal documents to prove citizenship for Medicaid. It gives States a higher Federal match for translation and interpretation services in the program. And it requires the Secretary to monitor racial and ethnic disparities in care. All move us to a healthier future for Indian children in Montana.

As we debate CHIP today, let us remember the uninsured children in our home States, those kids who need help. In Montana, there are mothers whose daughters have cystic fibrosis. There are Native American children without health care coverage because they do not have a birth certificate. So let's keep in mind the children of Montana and every other State who need and deserve our help. Let's reauthorize this Children's Health Insurance Program today and improve the health of all American children.

Madam President, I ask unanimous consent the following Senators be recognized for the following amounts of time: first, Senator DODD for 5 minutes; Senator CLINTON for 5 minutes; and Senator COBURN for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Madam President, reserving the right to object, and I will not object, I wish to inquire, have we gotten an agreement in place for when the next block of votes could come?

Mr. BAUCUS. Madam President, it is being written up right now.

Mr. LOTT. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. We do have a block of votes. It has been agreed to.

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.

Mr. DODD. 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. 2631 TO AMENDMENT NO. 2530

(Purpose: To expand family and medical leave in support of servicemembers with combat-related injuries)

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON, Senator DOLE, Senator GRAHAM, Senator MIKULSKI, Senator CHAMBLISS, Senator BROWN, Senator CARDIN, Senator MENENDEZ, Senator SALAZAR, Senator KENNEDY, Senator REED and Senator BOXER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, and Mrs. BOXER, proposes an amendment numbered 2631 to amendment No. 2530.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON and the others I have mentioned here, I seek to, as soon as possible, meet the suggestions that have been recommended by the President's Commission on Care for America's Returning Wounded Warriors. I want to express my gratitude to my colleague from New York as well as to others who have joined with us on this effort. This report was submitted to the President by our former colleague, Senator Dole, former Secretary of Health Donna Shalala, and this report is rather extensive on their recommendations on how we might better serve our returning soldiers from the theaters of conflict in Iraq and Afghanistan.

The President's Commission on Care for the Returning Wounded recommended:

That Congress should amend the Family and Medical Leave Act to allow up to 6 months of leave for a family member of a servicemember who has a combat-related injury and meets the other eligibility requirements in the law.

I am very proud of many things I have done over the last 25 years in the Senate. None exceeds my sense of pride more than passage of the Family and Medical Leave Act. Along with Senator BOND, Senator DAN COATS, Senator SPECTER, Senator KENNEDY, and many others, after 7 years, three American Presidents, and two vetoes, we were able to adopt the Family and Medical Leave Act which, since its passage, has assisted more than 60 million Americans in being away from their jobs to be with family members during critical times in their lives without losing that job. These important life situations include the joyous occasion of a birth or adoption and the difficult circumstance of an illness of a child or another family member for up to 12 weeks of unpaid leave. It has been a remarkable asset to many people.

I suspect there is not a single American family who would not relate to the importance of being able to be with a family member during a time of significant crisis. Obviously, as our wounded warriors coming back from Afghanistan and Iraq are recovering from their injuries, having their families and others with them could be of immeasurable help. Senator Dole and Donna Shalala and other members of the Commission rightly made the recommendation that we should amend the Family and Medical Leave Act to provide for up to 6 months' leave for a family member to be with these individuals without losing their job. That is what we have done with the amendment we are offering to this bill.

Clearly, this bill has nothing to do with family medical leave. My colleagues from Montana and Iowa, have a tremendous responsibility in adopting the legislation before us, of which I am a strong supporter. But, knowing that we only have a short time before we adjourn for more than a month, there is a sense of urgency about providing for these families. I would hope all of us would support this amendment. This is a bipartisan suggestion that will make a difference in the lives of families who are assisting in the recovery of a wounded warrior.

I commend former Senator 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 matter. As the author of the underlying law, I have worked to maintain its protections and extend its protections to assist more employees. I agree with the Commission that FMLA is the best method for providing critical support for our returning heroes who are recovering from their war wounds. I am pleased to be joined, as a principal cosponsor, by Senator CLINTON of New York. After more than 7 years of work, as I mentioned earlier, this proposal I made more than 20 years ago became law. It became law within days after January 20, 1993, when President William Jefferson Clinton, as his very first act, signed into law the Family and Medical Leave Act.

I remember with great clarity that bright day overlooking the rose garden at the White House, President Clinton signing that bill into law. Pat Schroeder of the other body was the principal author in the House of Representatives and too often gets neglected in talking about the history of the Family and Medical Leave Act. I will be eternally grateful to Pat Schroeder for the tremendous job she did in the other body in seeing to it that this proposal became the law of the land.

The Commission's findings indicate the critical role that family members play in the recovery of our wounded servicemembers:

In their survey, 33 percent of active duty, 22 percent of reserve component, and 37 percent of retired/separated servicemembers report that a family member or close friend relocated for extended periods of time to be with them while they are in the hospital.

Twenty-one percent of active duty, 15 percent of reserve component and 24 percent of retired/separated servicemembers say friends or family gave up a job to be with them or act as their caregiver.

More than 3,000 servicemembers have been seriously injured during operations in Iraq and Afghanistan. In virtually every case, a wife, husband, parent, brother, or sister has received the heart stopping telephone call telling them that their loved one is sick, or injured, halfway around the world.

Family or close friends stayed to assist recovery of almost 66 percent of active duty and 54 percent of reserve component servicemembers.

The Support for Injured Servicemembers Act provides up to 6 months of family and medical leave for spouses, children, parents and next of kin 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 providing care for a person with a serious illness. Our servicemembers need more. These are extraordinary circumstances. The point of the Commission and the Dignified Treatment of Wounded Warriors Act that the Senate recently passed is to take care of our wounded soldiers, sailors, airmen, and marines returning from Iraq and Afghanistan with combat-related injuries. We should support their families in caring for these heroes.

It is essential we do everything possible to support our troops, to allow their loved ones to be with them as they recover from combat-related injuries or illnesses. That is why we should expand and improve benefits for those caring for our servicemembers.

Let me emphasize the major points: You have to have been injured in the theater of combat, Afghanistan or Iraq or in preparation for deployment. Our amendment allows for a parent, spouse, child or next of kin to provide that care-giving role. It would allow them to be with them for up to 6 months without losing their jobs. The leave is without pay. What is the universe we are talking about? It is not the entire Nation, obviously, or anyone who is wearing a uniform who happens to have been injured. You have to have been injured or acquired the illness as a result

of being in the combat theater or when preparing to be deployed.

The amendment is specific as to who could be the caregiver. It is very specific about the amount of time an employee acting as a caregiver would be covered. We have tried to narrow this down in a way. I am grateful to Bob Dole. He called me last Thursday early on and remembered that I had spent such as inordinate amount of time, with the help of Senator KENNEDY and others, to adopt the Family and Medical Leave Act so many years ago. Most would agree today it has made a difference in the lives of people. I can't think of any better constituency to serve with expanded family medical leave than our service men and women.

I see my colleague from Georgia. I thank him as well for being a cosponsor of this proposal. Those preparing for deployment obviously would be covered, if they end up being affected as a result of their injuries or illness suffered while in the theater of combat.

Again, as someone who has been a floor manager of many bills over the years, I understand that is not easy to get a particularly difficult bill like this done. I applaud the commitment my colleague from Montana has brought to this legislation. It is my hope that we can achieve the kind of unanimity around this idea of supporting military families, given the fact that the President's Commission is calling for this, our former colleagues calling for it. We have a strong bipartisan group of Senators who believe this is worthwhile to do for this limited group of our fellow citizens who have suffered immeasurably as a result of their contribution. I would hope before we leave here in these next 24 or 48 hours that the very least we could do would be to provide this kind of benefit for them and their families.

I truly appreciate the work of our cosponsors. In particular, their willingness to adopt a provision that would expand the pool of typical caregivers under current law for this specific purpose. Those caregivers are limited to spouses, children, and parents. Our amendment extends the caregiver role to next of kin, a brother, sister or other relative, perhaps.

I gather my colleague from New York, who was very helpful in pulling this together, is on her way to the floor. She might want to be heard on this as well. I was drawing this out while we wait for her arrival.

Mr. BAUCUS. I might say to my good friend, we have noticed.

I don't see the Senator from New York here yet, but she is on her way. In the meantime, I ask unanimous consent that the Senator from Georgia be recognized and, following the Senator from Georgia, Senator CLINTON be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I thank the Chair.

Since the Senator is running for President, we are glad to accommodate him for what time he needs. He is serious and very emotional about this issue, and he should be. We all should be. I commend the Senator from Connecticut for spending a good bit of time on talking about this issue. I commend the Senator from New York for bringing this issue to the forefront. We are in a war unlike any war we have ever been in before. We are in different times today with respect to military conflicts, and the inclusion of our wounded warriors in the Family and Medical Leave Act is certainly well deserved and something that I hope we get passed before we leave.

I rise to commend the President's Commission on Care for America's Returning Wounded Warriors for their hard, high-quality work in analyzing and recommending improvements for our Nation's treatment of wounded warriors. The Dole-Shalala Commission has boldly addressed one of the most important issues facing our military today and has created a simple roadmap that will help make monumental improvements to the military health care system. I am pleased the Commission's recommendations span agencies, cross services, and take into consideration the needs of both veterans as well as their families.

During their review, they visited 23 health care facilities, including military and VA hospitals and treatment centers nationwide, held 7 public meetings, heard testimony from military health care experts, and communicated directly with servicemembers, their families, and health care professionals. This dialog is greatly needed and must continue. I provided my own input directly to the Commission regarding one of Georgia's own success stories in providing care to wounded warriors through a partnership between the Eisenhower Army Medical Center at Fort Gordon, GA, and the Augusta VA hospital. This Commission untangled a web of complex issues and provided six recommendations based on their findings. Former Senator Dole and Secretary Shalala did what others have been trying to do since World War II. Their joint statement succinctly describes the culmination of these efforts.

The face of our military has changed, as have their needs. Some returning servicemembers, injured in the line of duty, have complex and often multiple injuries placing greater challenges on the DOD and VA as well as family members. Well-meaning attempts over the years to reform health care in the military and VA have produced many positive results that have also made the system more complex and confusing in some areas. In these cases, it is difficult for servicemembers, their families, and caregivers to understand how to navigate the system. The events that brought us to this point were inexcusable and could have been prevented. However, I would be remiss if I did not mention a letter I received from a constituent whose son was a patient at Walter Reed Medical Center, after being evacuated from Iraq due to injuries he sustained in an IED attack. The letter said to the commander and staff at Walter Reed:

> You and your staff are a remarkable team that has the welfare of our soldiers and families foremost in mind as you execute your critically important duties. My family and I owe you and your team our heartfelt thanks and debt of gratitude we can never repay.

This kind of feedback tells me the Army's improvements are taking hold. Through the Commission and recent legislation, these improvements will continue. I applaud the Commission's work and am equally pleased that much of it parallels the initiatives set forth by the Senate's Dignified Treatment of Wounded Warriors Act. The President's Commission recommended that seriously wounded servicemembers receive a patient-centered recovery plan developed by a cadre of highly skilled recovery coordinators. Such a plan can only increase the level of support given to our wounded warriors.

Along these same lines, the Wounded Warrior bill requires development of a unified and comprehensive policy between the VA and the Department of Defense that addresses personnel strength, training, access, standards, family counseling, and creation of a DOD-wide ombudsman. Of central importance, the Commission recommends a complete restructure of the disability and compensation systems. We have all heard case after case of lost paperwork, endless waste, bureaucratic delays, and confusing redundant processes. Both the Commission and the Wounded Warrior bill provide guidance to consolidate systems and streamline this process.

One of the most important recommendations made by the Commission, also addressed in the Wounded Warrior bill, concerns increased support to the families of our Wounded Warriors. Although the Commission did not visit Georgia, I have spent time at Fort Stewart and Fort Benning with family members of deployed troops, and I have spent as much time with the troops themselves in my five visits to Iraq. I can tell you that when it comes to taking care of our servicemembers, the well-being of their families is of paramount, if not greater, importance to them than their own well-being. These troops can count on their families. The more we support the families, the better we are taking care of our troops.

Among other things, the Dole-Shalala report recommends extending privileges under the Family and Medical Leave Act from 12 weeks to 6 months, which will allow family members to take up to 6 months of leave to care for a wounded servicemember. I am proud to be a cosponsor of this bill that introduces legislation that enacts this recommendation.

The bill Senator PRYOR and I cosponsored on this subject, the Wounded

Warrior Assistance Act, S. 1283, also contains provisions along these lines, such as advocating counseling and job placement services for family members, as well as the creation of an ombudsman's office which will provide support to members and their families.

So, once again, I commend Senator CLINTON for her initiative in getting this bill on the Family Medical Leave Act introduced and I concur again with the Senator from Connecticut. I hope this legislation is completed before we leave here in the next couple of days.

The global war on terror has brought recognition of the enormous impact of two previously silent and little-noticed conditions to the forefront: post-traumatic stress disorder and traumatic brain injury. Accordingly, both the Commission and the Wounded Warrior bill address these issues. The Dole-Shalala report advocates the most aggressive treatment for both conditions by the DOD and the VA, and also recommends private-sector involvement to capitalize on the most recent and valuable findings and treatments.

Similarly, the Wounded Warrior bill provides comprehensive and coordinated policies between DOD and the VA on PTSD and TBI. The Wounded Warrior bill creates a level of accountability for the DOD and VA by requiring an annual report on PTSD and TBI expenditures and reports assessing progress in the overall treatment of these conditions.

The bill also includes a provision I proposed that builds upon a study at Emory University for TBI treatment and the use of progesterone and directs collaboration between DOD and other Federal agencies in TBI-related research and clinical trials.

The approach taken by the Commission and in the Wounded Warrior Act capitalizes on cooperation among Federal agencies, as well as between the Federal Government and private sector. As part of the fiscal year 2008 National Defense Authorization Act, I proposed a sense-of-the-Senate amendment that DOD continue to encourage collaboration between the Army and the VA in the treatment of wounded warriors.

A prime example of this type of collaboration is in Augusta, GA, between the only Active-Duty rehabilitation unit, located at the Augusta Department of Veterans Affairs Medical Center, and the behavioral health care services program at the Eisenhower Army Medical Center at Fort Gordon, GA. This unique, unprecedented collaboration between the Augusta VA and the Eisenhower Army Medical Center has been growing since its inception in 2004, assisted by GEN Eric Schoomaker, now the head of Walter Reed and former commander of the Eisenhower Army Medical Center. Our wounded warriors deserve the best possible care. The recommendations of the President's Commission and the requirements set forth in the Dignity for Treatment of Wounded Warriors Act pave a clear path for the type of medical treatment and support the people defending our Nation deserve.

I am proud to be a cosponsor of the Wounded Warrior Act, unanimously approved by the Senate. I am pleased with the comprehensive recommendations provided by Senator Dole and Secretary Shalala. I especially thank the servicemembers and their families who have shared openly and bravely about their experiences to this body as well as to the Commission. Their stories made the need for this reform real to all of us, and their experiences can help us transform the quality of military health care. Doing so will be one small way of saying thank you to the men and women in the U.S. military for their service and their sacrifice.

Mr. President, I ask unanimous consent that I have 2 additional minutes to address the bill before the Senator from New York is recognized.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Thank you, Mr. President.

Mr. President, I would like to address the State Children's Health Insurance Program, the bill that currently is before the Senate. I have been a strong advocate of this particular program. We, in Georgia, I think, have one of the model SCHIP programs in the country. We call it PeachCare. It provides health insurance to 290,000 uninsured poor children in my State. We cover no adults in Georgia. Every single dime that is spent on this program in Georgia is spent on children, and that is the way it should be.

That is one of the problems I have with the reauthorization of this bill as it came out of committee. It does three things that really bother me.

First of all, the bill that came out of committee does not take all parents off of coverage under the SCHIP program on a national basis. It does remove, over a 2-year period, all adults who are not parents of some of the children who are eligible for this particular subsidy, and that is good. The problem is, it still covers any number of adults. This is a children's program, and that is where the money ought to be spent. Every single dollar we spend on an adult takes money away from children.

Secondly, under this bill, States are authorized to go up to 300 percent of the Federal poverty level for coverage. The previous bill authorized up to 200 percent of the Federal poverty level. In Georgia, we are at 235 percent of the Federal poverty level, which means that a family of four making $48,000 is eligible for coverage under our PeachCare program.

Unfortunately, once you reach the level of 300 percent of the Federal poverty level, you are at almost $62,000 for a family of four in income, and you are still eligible under this program.

Lastly, I would simply say the bill out of the Finance Committee is financed by the creation of new and additional taxes. I think the American taxpayers—I do not care in what form the taxes are—are already an overburdened group of citizens.

From the standpoint of trying to find funding for this program, the Lott amendment did exactly what we needed to do in Georgia to cover all 290,000 of our existing children who are covered, plus all who will be coming on within the next 5 years, which is the term of this bill.

Senator LOTT found offsets in his amendment that would not have required the raising of any taxes to cover those children. That is the type of sensible approach that should have been taken. I regret that it did not pass.

Unfortunately, I am not going to be able to support this bill in its current form.

With that, Mr. President, I thank the chairman for being generous, and thank the Senator from New York for allowing me to extend my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time until 4:30 p.m. today be for debate with respect to the amendments listed below, and that they be debated concurrently; that all time be between the managers; that no amendments be in order to any of the amendments covered in this agreement prior to the votes; that the votes with respect to the amendments occur in the order in which the amendments are listed here; further that after the first vote, the time for votes be limited to 10 minutes, and there be 2 minutes of debate prior to each vote; and that at 4:30, the Senate proceed to vote in relation to the amendments; that the Graham amendment No. 2558 be modified with the changes at the desk; that Senators KYL and GRAHAM be recognized respectively at 3:45 and 4 p.m. The amendments are Specter amendment No. 2557, Graham amendment No. 2558, Ensign amendment No. 2540, Thune amendment No. 2579, and Kyl amendment No. 2537.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, it sounds as if maybe what I understood—what I have here that was going to be in the agreement—was altered a little bit when the Senator read the UC. For instance, on the third line, beginning after the semicolon: ''that all time be between Senator BAUCUS and amendment sponsor; that no amendments be in order to any of the amendments''—is that the way you read it?

Mr. BAUCUS. Yes—well, I struck some of those words you read and inserted ''the managers.'' The thought was, it gives more flexibility so the two managers of the bill could then work with the sponsors of the amendments to allocate time. Some may want to speak longer than others. I felt that was just a way to better organize the time.

Mr. LOTT. I just want to make sure the manager on this side really wants to work with the sponsors of these various amendments.

Mr. BAUCUS. I am sure he does.

Mr. LOTT. Well, I am not sure he does. That was the point. But I just wanted to get that clarification.

With that clarification, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2558), as modified, is as follows:

Beginning on page 218, strike line 5 and all that follows through page 220, line 2, and insert the following:

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''($1.594 cents per thousand on cigars removed during 2000 or 2001)'' in paragraph (1) and inserting ''($50.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)'',

(2) by striking ''(18.063 percent on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''(53.13 percent on cigars removed after December 31, 2007, and before October 1, 2012)'', and

(3) by striking ''($42.50 per thousand on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''($10.00 per cigar removed after December 31, 2007, and before October 1, 2012)''.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking ''($17 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (1) and inserting ''($50.00 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)'', and

(2) by striking ''($35.70 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (2) and inserting ''($104.9999 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)''.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking ''(1.06 cents on cigarette papers removed during 2000 or 2001)'' and inserting ''(3.13 cents on cigarette papers removed after December 31, 2007, and before October 1, 2012)''.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking ''(2.13 cents on cigarette tubes removed during 2000 or 2001)'' and inserting ''(6.26 cents on cigarette tubes removed after December 31, 2007, and before October 1, 2012)''.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking ''(51 cents on snuff removed during 2000 or 2001)'' in paragraph (1) and inserting ''($1.50 on snuff removed after December 31, 2007, and before October 1, 2012)'', and

(2) by striking ''(17 cents on chewing tobacco removed during 2000 or 2001)'' in paragraph (2) and inserting ''(50 cents on chewing tobacco removed after December 31, 2007, and before October 1, 2012)''.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking ''(95.67 cents on pipe tobacco removed during 2000 or 2001)'' and inserting ''($2.8126 on pipe tobacco removed after December 31, 2007, and before October 1, 2012)''.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking ''(95.67 cents on roll-your-own tobacco removed during 2000 or 2001)'' and inserting ''($8.8889 on roll-your-own tobacco removed after December 31, 2007, and before October 1, 2012)''.

Mr. BAUCUS. Mr. President, it is my understanding under the previous order Senator CLINTON is the next to be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank Chairman BAUCUS, and I thank both Senators DODD and Senator CHAMBLISS for their vigorous explanation and advocacy of the bill which we have introduced that we are proposing to have as an amendment to the current legislation pending before the Senate because we think the duty to honor our veterans, our servicemembers, and their families is urgent. This is a duty we take very seriously.

Clearly, based on the recently released report by the Commission on Care for America's Returning Wounded Warriors, chaired by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, it is a matter of grave urgency for our Nation to do everything we can to improve support for our servicemembers and veterans.

The Commission found that one of the most important ways to improve that care is to improve support for families. That is why Senator DODD and I have offered an amendment to the CHIP legislation, the Support for Injured Servicemembers Act.

We are proud to have the bipartisan support of Senators DOLE, GRAHAM, MIKULSKI, CHAMBLISS, BROWN, SALAZAR, CARDIN, MENENDEZ, KENNEDY, BOXER, and JACK REED because this is a matter that goes way beyond politics as usual. It is certainly way beyond partisanship.

During the course of the Dole-Shalala Commission work, they showed what many families across the country already knew, that the Family and Medical Leave Act—which Senator DODD worked so hard on for so many years, and which was the first piece of legislation signed by my husband—has been a godsend to 60 million Americans over the course of the last years—people taking care of newborn babies, a family member with an accident or illness, caring for an aging relative. It has made it possible for so many Americans to balance the difficult responsibilities of family and work.

But what has been abundantly clear—with all of our wounded warriors returning from Iraq and Afghanistan—is it has not been sufficient for family members to care for those young servicemembers who have sustained a combat-related injury.

Currently, spouses, parents, and children can receive only 12 weeks of leave under the Family and Medical Leave Act. All too often, as we have now learned, that is insufficient, as injured servicemembers grapple with traumatic brain injuries, severe physical wounds, learning how to use a prosthetic, trying to understand what post-traumatic stress disorder means to them and to their futures. Indeed, family members have dropped everything. They have tried to be at the bedside, stayed in the area to help their loved one, given up jobs even. That seems to us to be more than the sacrifice their loved one has already made demands.

Imagine if your husband or your wife or your son or your daughter had been injured. You would want to be with them. You would want to take care of them. But you would not want to lose your job in the process. It is not a choice that military families should have to make. Therefore, that is why we are asking our colleagues to join with us to pass the Support for Injured Servicemembers Act, and to allow us to fulfill this duty we all feel to our military families.

I appreciate very much Senator DODD's leadership on this issue for many years, and on this particular piece of legislation. We invite even more cosponsors from both sides of the aisle to join us, and we hope we will have a vote on this legislation before we leave, before we finish the CHIP legislation, so we can go home and tell military families that help is on the way.

Thank you very much, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I see the Senator from Texas is seeking recognition. I ask unanimous consent that she be allowed to speak next for—10 minutes?

Mrs. HUTCHISON. Mr. President, 10 minutes would be fine. I ask to bring my amendment up, set aside the pending, and continue to speak.

Mr. BAUCUS. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2620 TO AMENDMENT NO. 2530

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2620 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2620 to amendment No. 2530.

Mrs. HUTCHISON. 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:

AMENDMENT NO. 2620

(Purpose: To increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living)

Strike section 110 and insert the following:

SEC. 110. COVERAGE FOR INDIVIDUALS RESIDING IN HIGH COST AREAS WITH FAMILY INCOME ABOVE 200 PERCENT OF THE FEDERAL POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) COVERAGE OF INDIVIDUALS RESIDING IN HIGH-COST AREAS.—

''(A) IN GENERAL.—For fiscal years beginning with fiscal year 2008, a State shall receive payments under subsection (a)(1) with respect to child health assistance provided to an individual who resides in a high cost

county or metropolitan statistical area (as defined by the Secretary, taking into account the national average cost-of-living) and whose effective family income exceeds 200 percent of the poverty line (as determined under the State child health plan), only if such family income does not exceed 200 percent of the poverty line as adjusted for the cost-of-living in the State under subparagraph (B)).

''(B) ADJUSTED POVERTY LINE.—The Secretary shall adjust the poverty line applicable to a family of the size involved with respect to each State to take into account the cost-of-living for each county or metropolitan statistical area in the State, based on the most recent index data from the Council for Community and Economic Research (previously known as the American Chamber of Commerce Research Association),the 2004 Consumer Expenditure Survey of the Bureau of Labor Statistics, and the Bureau of Economic Analysis of the Department of Commerce.''.

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting ''or subsection (c)(8)'' after ''subparagraph (B)''.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall promulgate interim final regulations to carry out the amendments made by subsections (a) and (b).

Mrs. HUTCHISON. Mr. President, I rise today to offer an amendment that would help address what some view as a serious problem in the underlying legislation, and what others might view as a matter of fairness in the underlying legislation.

The purpose of the SCHIP program is to provide health insurance benefits to children in families who make too much to qualify for Medicaid but not enough to afford private insurance. We define that criteria as families up to 200 percent above the Federal poverty line. The current Federal poverty line for a family of four is $20,650. The Federal poverty line for Hawaii and Alaska is a little higher. Two hundred percent, then, would be $41,300.

My State of Texas maintains its SCHIP program consistent with the original purpose and therefore allows a family of four making $41,300 to qualify for SCHIP coverage. When my constituents see the bill before us allowing families of four making up to 300 percent of the Federal poverty line, which is $61,950, to qualify for Government-supported health care, many believe this is going too far. They certainly take issue with families making up to 400 percent of the poverty line, which would be $82,600, receiving Government-funded health insurance.

I have heard the supporters say that allowing coverage above 200 percent of the Federal poverty line argue that the cost of living in certain areas necessitates higher Federal poverty level coverage. One only has to utilize the various cost-of-living calculators on the Internet such as those found on bankrate.com or CNN/Money to see that a salary in one area of the country can be worth a very different amount than in another. The cost-of-living calculators adjust income by comparing the cost of housing, utilities, and transportation, all of which have a significant impact on the actual need of the family.

For example, in this chart, you see that the cost of living in Austin, TX, would be $40,000, whereas after you add housing, utilities, and transportation, if you compare that to the cost in Washington, DC, it would be $58,697, or rather the salaries would be commensurate after you add the cost-of-living indicators in it.

The bill before us does not make a direct connection between the cost-of-living standards and approvals of SCHIP plans beyond the 200 percent Federal poverty line restrictions. It doesn't seem right to arbitrarily allow coverage of families beyond 200 percent of the Federal line if there is no relationship to the cost of living. If $41,300 of family income in one State is equal to a higher amount in another due to a cost of living that exceeds the national average, my proposal would accommodate that. Why don't we say in this legislation that similarly situated families will be treated similarly. That is what my amendment would do.

Under my amendment, the Secretary of Health and Human Services will be required to factor in the cost of living in States that are seeking to cover families above 200 percent of the poverty line. Utilizing the most recent index data from the Council for Community and Economic Research, the Bureau of Labor Statistics and the Bureau of Economic Analysis, the Secretary shall adjust the Federal poverty line throughout specific areas in those States that reflect the actual cost of living in those specific areas. The Secretary could then approve families up to twice the new adjusted Federal poverty line, accounting for a higher cost of living in that area.

The Secretary would break down the analysis by county or metropolitan statistical area to ensure that States with high-cost areas in some parts of the State and low-cost areas in other parts of the State would not receive the same amount. This does what I think everybody has said we need to do, and that is adjust if there is a cost-of-living increase, but not lump it State by State.

In my State of Texas, there will be metropolitan areas with a higher cost of living. So if my State wanted to go above the 200 percent, the Secretary could factor in where there needed to be an adjustment. If it were over the 200 percent in a metropolitan area such as Dallas, it might be a different calculation than if it is in a rural area, say Lubbock. This seems to me to equalize the unfairness of a whole State getting the higher rate through a waiver which the bill before us is trying to mitigate by putting a limitation on the percent above the poverty line that a State may go, but why not do it by SMSA—the Statistical Metropolitan Area—or by county, where you can get the adjustment that is right and fair.

My amendment is very simple. The 200 percent of the poverty line, when adjusted for the cost of living in a specific area, could equal $45,000, it could equal $50,000, or it could be right at the poverty line. If you needed to go above it, the Secretary would be able to say in New York City, for instance, there should be an adjustment, but in upstate New York, perhaps not.

So this is the amendment. I think this brings reasonableness, rationality, and equity to approvals beyond the nonadjusted Federal poverty limits. If you do not go above the 200 percent which is in the law, you would never have to make these adjustments. There are certainly metropolitan areas that have a legitimate claim to a higher cost of living, but it does not necessarily mean the whole State should be given that kind of adjustment, and it would be more reasonable for the taxpayers throughout America to know that the people were getting the adjustment if they needed it, but not if they didn't.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank the Senator from Connecticut also for the process, and I certainly would urge my colleagues to support this amendment, which I think is what should end up in the final bill. It is simple, it is clear, and it is fair.

I yield the floor, 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.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that the time consumed by the Senator from Texas be charged against the time controlled by the minority, and further, that the time for the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. 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. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LOTT. Mr. President, I yield 5 minutes from our side. Is that sufficient time, I ask the Senator?

Mr. ENSIGN. If I need more time, I will ask for it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2540

Mr. ENSIGN. Mr. President, I wish to talk about my amendment. My amendment says that the Children's Health Insurance Program, which is designed to cover low-income children, should first cover low-income children. Many of the States today are covering nonpregnant adults and I believe this is at the expense of low-income children. This program is called the State Children's Health Insurance Program and it is called that for a reason. It is supposed to be for low-income kids. It was not intended for nonpregnant adults.

My amendment says that you cannot cover nonpregnant adults until you cover 95 percent of the targeted low-income children's population. Some States have extended their SCHIP coverage to nonpregnant adults. According to the Government Accountability Office, SCHIP covered 6 million individuals, including more than 600,000 adults in the year 2005. This means that 1 out of every 10 people covered by SCHIP was an adult. GAO indicated that in Wisconsin, two-thirds of the total SCHIP enrollees in 2005 were adults. Almost half of the enrollees in Rhode Island were adults. It also found that shortfall States are likely to cover a high proportion of adults.

The GAO wrote:

> Adults accounted for an average of 55 percent of enrollees in shortfall States, compared with 24 percent in nonshortfall States.

Covering adults is not the primary purpose of SCHIP. I am seriously concerned that nonpregnant adults may be benefitting from SCHIP funds at the expense of low-income children. We need to refocus the SCHIP program to its original intent—to make low-income children the priority. My amendment today will ensure that SCHIP funds are used to provide health insurance coverage to low-income children. In my opinion, that is the intent of the original law and the way in which SCHIP dollars should be allocated.

This proposal does not deprive States of Federal dollars. What it does say is that a State can't use its SCHIP money to provide health benefits to nonpregnant adults until it has enrolled 95 percent of its targeted low-income children.

We have heard a lot about the need to cover low-income kids, about keeping them healthy, and giving them a chance in life. If the States aren't forced to cover 95 percent of the low-income kids first, they will continue the current policies and many low-income kids won't be reached out to and brought into the SCHIP program. If we require the States to cover 95 percent of low-income kids, we will be amazed at how many of these kids the States will find.

I believe it is important for us to adopt this amendment. If we are going to expand SCHIP, let us make sure low-income children are the priority.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, a couple of words with respect to the amendment offered by the Senator from Nevada. I might as well finish them now, since he spoke. Basically, his amendment means that no State, after the date of enactment, could provide for adults—childless adults or parents, parents of kids. No State. That is what this is.

I also point out that the standard of 95 percent is an impossible standard. No State can meet that standard. There is no State in the Nation that could meet 95 percent. We have mandatory driver's license requirements in States, and even those mandatory requirements average, nationwide, about 85 percent. That is mandatory, and we are talking about something voluntary here.

So no State can possibly reach 95 percent compliance, which would mean, at the beginning of the date of enactment, all adults would be off—right now, immediately; all parents off—right now, immediately. And I don't think that is what we want to do. Why? Because the administration has granted lots of waivers to a lot of States for a lot of adults, and States are reliant on them.

In this legislation, over a 2-year period, we are stopping that, but we give States 2 years to stop providing coverage for childless adults and for parents. States can provide for parents with those waivers, but it is written in a way to discourage the use of CHIP money for parents unless States go the extra mile and seek out more low-income kids to provide coverage for them.

The legislation before us is a good compromise, but the amendment offered by the Senator from Nevada is way too Draconian. I might also add that all experts say if you cover parents, you will cover more kids. If you don't cover more parents, you are going to cover fewer kids. There is a very strong correlation between health insurance coverage for parents and parents getting good health care for their children. Put in reverse, there is a strong correlation of parents who do not have health insurance—we are talking low-income families here—who will not provide good health care, on average, for their kids.

On the basis of policy, I don't think it is a good idea. It totally disrupts the compromise worked out on both sides of the aisle on this legislation. Senator GRASSLEY, Senator HATCH, myself, and Senator ROCKEFELLER worked very hard to get a compromise here. This legislation starts to squeeze down on adults, but it doesn't cold turkey say no. That would be unfair, especially with respect to parents, because parents who have health insurance themselves will tend to provide better health care for their kids.

When the appropriate time comes to vote on this amendment, I think the right thing to do would be not to support this amendment because of the reasons I indicated.

I yield the floor.

Mr. LOTT. Mr. President, I don't believe there is any other Senator wishing to speak right now, so I will rise in support of the amendment by the Senator from Nevada, Mr. ENSIGN.

I believe that Senator BAUCUS, Senator GRASSLEY, Senator HATCH, and those who put together this compromise did want to try to begin to get some control on the explosion of this program. But there are a lot of others who don't want to do that. They want it to go the other way.

Yes, the administration is to blame for a lot of the problems here. They granted the waivers for these States, and they shouldn't have. They started granting waivers for higher and higher and higher income children to be covered, for adults to be covered—and not just pregnant mothers but parents and, in some States, even beyond that.

As I have said before, there is no ''A'' in SCHIP. It is the State Children's Health Insurance Program—for children, SCHIP as we refer to it here in this Chamber. But I do have every reason to believe there are many who fully intend for this program, the CHIP program, to be the program that covers not only low-income children, middle-income children, but all-income children and adults. That is the goal here.

I voted for this program 10 years ago because I thought there was a need to make sure that truly low-income children had access to health care. A lot of them were not covered, obviously, by private insurance or Medicaid, and I thought there was a need to address this particular area. But it is like so many Washington programs; once they get started, they never end. And once they get started, they grow and grow and grow.

Who is going to help get a grip on this program? Who is going to pay for this program? This is a $60 billion, 5-year program this bill would provide for—the underlying bill. The House just passed a bill that I think is close to at least $80 billion over the next 5 years. They pay for it in the House partially by taxes but also by cutting Medicare. So we are taking elderly off of the Medicare Program so we can put more money into the SCHIP program not just for low-income children but for middle-income children and for adults.

I think the Senator is absolutely right. Let us make sure these States provide at least 95 percent of what they are supposed to supply to the low-income children before any adults can get in it. Yes, they will have to take adults off. Exactly. They should have to. They should have never put them on there.

Now, again, I acknowledge we are hopeful this bill will begin to get this under control. It does take away the waiver that is being used, and has been abused by this administration. But I cannot believe that Senators are ignoring the fact that this program is being exploded, covering people who were never intended to be covered, and paying for it by damaging low-income people or elderly people.

I am glad we have this amendment. If we could at least get the adults off this program, even if it does cover some increased level of children below the 200 percent of poverty, I could see that it would be more acceptable. But that is not what this does.

I fear what is going to happen in conference. I don't know, maybe the Senator from Montana and Senator GRASSLEY can sit there and say, oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning. It is obvious, if you have a classic conference, which we are not going to have, and we are at $60 billion and the House is at $80 billion, what is it going to be? Oh, $70 billion. That is the way it works around here. That is the way it used to work, although we don't have conferences anymore now. We dished up a product such as we had on this lobbying and ethics fiasco a while ago.

I don't know how we get through this and help the people we want to help, intend to help, and keep it from covering more and more children and more and more adults. If we want to go to Washington bureaucratic-controlled and managed health care, if we want to go ahead and go to Government-run socialistic medicine, fine, this is it. This is the way it is going to happen.

A few years ago, there was an attempt to come in the front door and say, oh, no, we are only going to provide free health care to everybody. It failed miserably, right here. And by the way, it failed in August of that year, I believe it was 1993. Well, here we are coming through the back door this time. And incredibly, even my colleagues on the Republican side of the aisle are buying this deal.

I will be back. I don't know whether I will be on the floor of the Senate, but I will be back in years to come and say, I warned you. This thing is going to continue to grow. It won't be $60 billion, $70 billion, or $80 billion, it will be $140 billion over 10, or more.

I appreciate the amendment Senator ENSIGN came up with. I support it, and I hope we can pass it. And I wish the managers good luck in trying to keep control of this thing. If you pull it off, even though I still think you have way too big a program here, I will be first in line to congratulate you if you can hold it to where it is now.

I yield the floor.

Mr. BAUCUS. Mr. President, the Senator is always interesting, sometimes entertaining, but the Senator from Mississippi raised a couple of good questions. The real question is what are the answers to the questions.

One question is, what about adults? This is a children's program, and I think most Senators react a little adversely to covering adults. This Senator does too. It is a children's program, not an adult program. The Senator acknowledged graciously that most of the adult coverage problem is due to waivers this administration has given the States. The States want to cover adults. Why do they want to cover adults? Well, basically, because of the match rate, the money the States get under the Children's Health Insurance Program is higher, so they want to cover adults. What we are trying to do is figure how are we going to put the lid back on this. That is what we are trying to do here. It probably gets to the question of what is a fair transition period. What is the fair way to wean the States off of covering adults?

I guess it is important to remember there are a lot of people, adults out in the country who are getting health insurance, and they do not know what we are debating here in Washington, DC. They do not know the difference between CHIP, Medicaid, and match rates. All they know is they are getting some health insurance. And I don't know if it is right to just willy-nilly, automatically, cold turkey cut them off entirely, because they are depending on it.

I do think it is right, however, to wean States off this, and the States can, when their legislatures meet, figure out ways to cover adults they wish to but not on this program. That is what we are doing. That is what this legislation does. It says in the first year you can get a free ride, but in the second year your match rate is way down to the Medicaid match rate, which is basically about 30 percent less than the match rate under the Children's Health Insurance Program. A 30-percent cut will have a real effect on a lot of these States and discourage them from proceeding further.

In addition, legislation not too long ago repealed waivers so the States could no longer apply for waivers to get childless adult coverage. So question No. 1 is, what is the right thing to do about some States adding adults? Let us not forget, 91 percent of beneficiaries under the Children's Health Insurance Program today, 91 percent, are kids under 200 percent of poverty. Today. The vast bulk are kids. So when we talk about adults, we are talking about less than 9 percent, because some States have up to 200 percent of poverty. We are talking not too many people when we are talking about adults. This is kind of a philosophical question as much as anything else.

What is the best way to put the lid back on the can, to keep States from providing it for too many adults? We think we have a fair way to do it, as I just described, a fair transition period, and that is why we negotiated out this position.

Point No. 2 is, what is going to happen in conference. I have no idea. Senators know there are lots of ways to skin a cat around here. On the surface it looks like maybe if the Senate and House go to conference on these two bills—the Senate bill is much less, the House bill is much larger. They contain the Medicare provisions, physicians update provisions, and they are two different animals. When that happens, generally some other solution presents itself. That is why I say to my good friend from Mississippi, I hear what he is saying about the views of many Senators who do not want the conference report to come back with a number that is too difficult for many Senators to swallow, especially on the Republican side of the aisle. But I also say to my good friend, there are ways to do this. We may not go to conference exactly; the House may send back something else, maybe just a CHIP bill, and we will do the physicians update at a later date. There are many kinds of ways to do things around here.

Our goal is to help low-income kids who do not have insurance today so a few more get it. This is not a huge, massive expansion. This has nothing to do with national health insurance, none of that.

We are saying: Here is a program passed in 1997, it is bipartisan, Senators on both sides of the aisle like this program, there have never been any problems with it, it has worked real well, it just came up with reauthorization. The only slight problem is waivers for adults, but we are managing that. That is not a big deal. We can take care of that. So let's just reauthorize it, give it a little bump up to help a few more—not a lot, a few more kids get health insurance, and it costs a few dollars because health care costs are going up so much in this country.

While we are helping a few kids get health insurance, at a later date, next year, the following couple of years—clearly, Congress has to address the rising cost of health insurance in this country. But as a bottom line, this is a good thing to do, to help low-income kids get some health insurance.

Let's remember, in the United States of America there are about 48 million people without health insurance. We are the only industrialized country with that many people without health insurance. It is an outrage. The very least we can do is help our kids get some health insurance, particularly those who are low-income kids. That is what we are trying to do in a fair and reasonable way.

Mr. DORGAN. I wonder if the Senator from Montana will yield for a question?

Mr. BAUCUS. I am honored to yield to my friend from North Dakota.

Mr. DORGAN. As I understand it, this legislation is paid for. The Finance Committee reported out a piece of legislation to provide health care coverage for about 3 million more children, and it is fully paid for; is that correct?

Mr. BAUCUS. That is correct.

Mr. DORGAN. I don't know what is in second place with respect to what is important in people's lives, but if your children are not in the first place, something is wrong. Everybody who is a parent ought to understand the priority is your child—the children of this country.

I ask the Senator from Montana, the circumstances are that we have a lot of people in this country who do not have health insurance coverage. We have substantial problems with respect to dramatically increasing costs of health care. The fact is, we have sick kids in this country who do not get health care. They ought to get health care, but they do not because their parents do not have enough money in their pocketbook or their checkbook, and they are worried what it is going to cost if they take their kid to the doctor.

One of my colleagues and I held a hearing a couple of years ago, and a mother held up a poster with a colored picture of her son. He was dead. He died because he didn't get the health care he needed when he needed it. The fact is, that is happening in our country and, I say to my colleague from Montana, this is not a giant leap forward, but it is a significant step, to say we can do this. We can help children. We can provide health insurance for children who do not have it. We can fully pay for that bill, as the Senator from Montana has done, and his colleagues in the Finance Committee.

I ask my colleague, this is not a health insurance bill that is going to cover all Americans, that is going to dramatically expand, is it? Isn't this just a piece of legislation that takes a step forward in saying to 3 million kids that the days they are sick, no longer will their parents have to make a decision about whether they can afford to take them to a doctor? Isn't that what this is about?

Mr. BAUCUS. The Senator is correct. But not only is it 3 million, it is 3 million low-income kids.

Mr. DORGAN. If I might further inquire, that answer means these are kids who come from families who do not have the resources?

Mr. BAUCUS. And they usually do not have health insurance because they can't afford it, even if their employer provides it.

Mr. DORGAN. Further inquiring, in circumstances where they might believe they have no choice, they don't have any money, and they have a desperately sick child, they are going to show up in an emergency room. If that emergency room doesn't turn them away—and some will—that child will get the most expensive or the costliest health care because that is where it costs the most to provide health care—in the hospital emergency room. That is why this approach is so important.

I hear people say, what a radical thing to do, what an awful thing to do. This ought to be considered a baby step forward, but an important baby step, nonetheless, in doing what we are required to do in this country. Again, that is putting our children first, especially putting sick children first, sick children who come from families that do not have the money to find a way to get them to the doctor. That is what this is about. This ought to be a no brainer.

One final question, if I might. We have been on this for a while, and it has been a wide open discussion, and there have been a lot of amendments. I believe we have four or five additional votes scheduled at 4:30 today. I would like to inquire, what next? What do we anticipate? How many additional amendments might exist?

I hope we can work through this. It is a bipartisan bill. It makes so much sense. What does the Senator from Montana anticipate after the next batch of votes?

Mr. BAUCUS. Mr. President, I expect, frankly, the Senate will finish tonight, late tonight, and get this legislation passed—as well it should. In addition to the five amendments pending beginning at 4:30, there could be at least about 10 more later today—maybe a package about 8:00, another about 10 o'clock, something like that. My hope is some of those will not all be offered.

Mr. DORGAN. It is important to finish the bill tonight. It is a bipartisan bill with strong support. It is a matter of giving everybody an opportunity to offer their amendments, which we have done. At that point I think it will be a significant achievement for all Americans, what we have done for poor, sick children in this country. I thank my colleague from Montana for the leadership he and Senator GRASSLEY and so many others have shown on this bill. This is a very important step for this Congress.

Mr. BAUCUS. Mr. President, I don't know if we have much time left. I am trying to figure out how much time we have.

The PRESIDING OFFICER (Mr. WEBB). Each Senator has 3 minutes remaining.

Mr. CONRAD. Will the Senator yield?

Mr. BAUCUS. Sure. How about 3 minutes?

Mr. CONRAD. If I could ask the Senator a question or two?

Mr. BAUCUS. Sure.

Mr. CONRAD. I was listening to the floor earlier today. I heard colleagues say this SCHIP program is a first step toward socialized medicine. Is this Children's Health Insurance Program a new program?

Mr. BAUCUS. I say to my good friend, this is not a new program. We are just reauthorizing a current program. It is not new.

Mr. CONRAD. How many children are covered under this program?

Mr. BAUCUS. Currently, there are about 6.6 million children covered.

Mr. CONRAD. As I understand it, this would add several million children?

Mr. BAUCUS. About 3.3 million, roughly.

Mr. CONRAD. About 3.3 million, and there are already 6 million. I am wondering if they are suggesting this program should be eliminated, which would mean 6 million children currently covered would no longer be covered?

Mr. BAUCUS. Actually, the Senator is making another point, which is about 6 million kids are eligible today under the current law but just are not covered. So we are saying we are not increasing the eligibility, we just want to help give a little stimulus so those who are currently eligible but not covered—a few more of them will be covered by health insurance.

Mr. CONRAD. Is it my understanding the American Medical Association has endorsed this legislation?

Mr. BAUCUS. The Senator is correct. There are many medical associations that support this bill.

Mr. CONRAD. Does the Senator know of anytime in the history of this country where the American Medical Association has endorsed socialized medicine?

Mr. BAUCUS. I don't know if I want to answer that question, because I can think of one major bill that many thought was socialized medicine but they now strongly support.

Mr. CONRAD. I just say the argument being made out here is one of the most far-fetched arguments I have seen on this floor; No. 1, that this is somehow socialized medicine. Isn't this care provided by private doctors?

Mr. BAUCUS. That is a very good point. I might say, this legislation received endorsements from over 50 different organizations, major organizations—AARP, pharmaceutical companies, the American Medical Association. This bill has wide endorsements.

As the Senator has just implied—yes, this program says: OK, States, you figure out how you want to administer it. It is up to you, the States, not Uncle Sam.

Most States say we are going to utilize health insurance companies, private health insurance companies to administer this, with copays and deductibles, and so forth.

Mr. CONRAD. The fact is, this care is provided by private physicians using private insurance companies, endorsed by the American Medical Association and many other national organizations, including many business organizations; is it not?

Mr. BAUCUS. That is correct. This legislation also provides assistance for States to provide—the fancy term is ''premium assistance''; that is, to help families pay the insurance companies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LOTT. 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there are now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Who yields time?

Mr. BAUCUS. Mr. President, we have five votes now. Senator SPECTER is detained. 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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the first amendment we vote on in the package would be the Kyl amendment. I see Senator KYL on the floor. I make that request that we proceed immediately to the Kyl amendment, with 2 minutes equally divided prior to the vote, and subsequent to the Kyl amendment, that we go back in the same order; that 10 minutes be allotted between votes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object. Were you making a unanimous-consent request?

Mr. BAUCUS. Yes.

Mr. LOTT. Senator KYL would like to defer to Senator SPECTER, who should be here momentarily. They are all on the Judiciary Committee. He would like to let Senator SPECTER go first, if he could.

Mr. KYL. Mr. President, I appreciate the courtesy. Because we have been held in the Judiciary Committee until now, I was not able to debate my amendment. Given the fact there are not many people on the floor, I would want my 2 minutes when there are people on the floor. For that reason, if we could set it at one of the later votes, I would appreciate it.

Mr. BAUCUS. I appreciate that. I am trying to move this along. The Judiciary Committee did break up some time ago.

Mr. KYL. Thirty seconds ago.

Mr. BAUCUS. No, longer than that.

Mr. KYL. Well, I was there.

Mr. BAUCUS. 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. BAUCUS. 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. BAUCUS. I ask for the regular order.

AMENDMENT NO. 2557

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to the vote in relation to amendment 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, the core issue is the repeal of the 1993 alternative minimum tax rate increase. The alternative minimum tax was put into effect in 1969 in order to catch people who paid little or no taxes; people in high brackets who had sufficient loopholes to avoid taxation.

Regrettably, it has grown by bracket creep to be very expansive. In 2006, it covered 3½ million people. If it is not changed, it will cover 23 million people this year. The tax was increased in 1993 from 24 to 26 percent for people making under $175,000, to 2 percent more for people in the upper bracket.

This is a matter that can be explained in a minute. It is a tax which never should have occurred, and now we can correct it for the people in the lower brackets.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much share the concerns of the Senator from Pennsylvania, I think every Member of this body does. That is, no one wants the Americans who currently do not pay the alternative minimum tax to have to pay it next year. They will have to unless this body, this Congress, makes the appropriate change in the adjustment.

I am fully committed to finding a solution so anybody who has not paid alternative minimum tax in 2006, when he or she files their tax returns next April, does not have to pay it for 2007.

This is not a good solution. Frankly, with this solution by the Senator from Pennsylvania, many more Americans are going to have to pay the AMT; it is not paid for, it is at a cost of about $420 billion.

Therefore, I raise a point of order that the pending amendment violates section 201 of the Senate Concurrent Resolution 21, the Concurrent Resolution on the Budget for fiscal year 2008.

Mr. SPECTER. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—47

Alexander	Crapo	Kyl
Allard	DeMint	Leahy
Barrasso	Dole	Lott
Bennett	Domenici	Lugar
Bond	Ensign	Martinez
Brownback	Enzi	McCain
Bunning	Graham	McConnell
Burr	Grassley	Murkowski
Chambliss	Gregg	Roberts
Cochran	Hagel	Sessions
Coleman	Hatch	Shelby
Collins	Hutchison	Smith
Cornyn	Inhofe	Snowe
Craig	Isakson	Specter
Stevens	Sununu	Vitter
	Thune	Warner

NAYS—52

Akaka	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Voinovich
Coburn	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Corker	Menendez	Wyden
Dodd	Mikulski	
Dorgan	Murray	

NOT VOTING—1

Johnson

The PRESIDING OFFICER (Mr. TESTER). On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2558, AS MODIFIED

Under the previous order, there is now 2 minutes of debate prior to a vote in relation to amendment No. 2558 offered by the Senator from South Carolina, Mr. GRAHAM.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the Finance Committee's proposal reauthorizing the SCHIP program for 5 years is funded by a permanent tobacco tax increase. That is a $35.2 billion expansion of SCHIP, which is above the $25 billion in the baseline budget. The money for this comes from a cigarette tax increase of 61 cents to $1 per pack. There will be a tax increase on cigars by 53 percent, with the sales price up to $10 per cigar.

Despite being a 5-year reauthorization, the tax part of it goes in perpetuity. So it is a very simple amendment. When the program itself is sunset to be reviewed, let's sunset the tax part of it to be reviewed. That is all it is. If you are going to sunset the program, sunset the tax increases and make an intelligent decision at that point.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator clearly described his amendment. There is a slight problem that the cost of about $36 billion over 10 years is not paid for. I think we should adhere to the Budget Act and pay for provisions we enact.

So, Mr. President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. GRAHAM. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—39

Alexander	Craig	Lott
Allard	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Dole	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	Webb

NAYS—60

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Roberts
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Smith
Coleman	Levin	Snowe
Collins	Lieberman	Specter
Conrad	Lincoln	Stabenow
Dodd	Lugar	Tester
Domenici	Martinez	Voinovich
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2540

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided prior to the vote in relation to amendment No. 2540 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, this amendment is very simple. It says we should focus on low-income kids before adults. The original intention of the program was the Children's Health Insurance Program. This says 95 percent of all of those targeted—whether they are 200 or 300 percent of poverty; whatever your State is—they have to be covered before you can cover nonpregnant adults.

The chairman of the Finance Committee is going to say no State can meet this. Well, if we don't set the goal for them and don't make them meet it, they won't meet it, of course. So if we are going to have a Children's Health Insurance Program, the money should be focused on the children. This says you cannot spend money on the adults unless they are pregnant adults until 95 percent of those targeted kids are enrolled in the program, and that is where the money is spent. I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, this is a poison pill. The effect of it is to kill this legislation.

The Senator is correct, no State can meet 95 percent. No state currently meets 95 percent. Driver's license participation, which is mandatory and not voluntary, is 85 percent. Participation in Medicare Part D, which is voluntary and not mandatory, is only 56 percent. There is no way in the world any State can meet a voluntary compliance rate of 95 percent, so this is a killer amendment. It kills the bill. It ostensibly applies to adults, but it kills the bill. I urge Senators not to kill the SCHIP program and vote against the amendment.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Dorgan	Murkowski
Bond	Ensign	Nelson (FL)
Brownback	Enzi	Nelson (NE)
Bunning	Graham	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Conrad	Isakson	Voinovich
Corker	Kyl	Warner
Cornyn	Lott	
Craig	Lugar	

NAYS—55

Akaka	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Grassley	Murray
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Roberts
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Smith
Coleman	Levin	Snowe
Collins	Lieberman	Specter
Domenici	Lincoln	Stabenow
Durbin	McCaskill	Tester
Stevens	Webb	Whitehouse
		Wyden

NOT VOTING—2

Dodd Johnson

The amendment (No. 2540) was rejected.

AMENDMENT NO. 2579

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2579, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized

Mr. THUNE. Mr. President, let me start by saying this amendment is not a poison pill. By voting for this amendment, it doesn't impact any other part of the legislation, except to limit the expansion of SCHIP in the following ways:

To show you how expansive in nature this bill is, this bill would not prevent a State, such as New York, from going to the 400 percent of Federal poverty level, which in New York is about $82,000, which, interestingly enough, would subject over 12,000 people in New York—taxpayers—to the alternative minimum tax.

So, essentially, what we are saying is you are poor enough to qualify for SCHIP, but you are wealthy enough to be subject to the AMT.

My amendment says that for children or adults from families with incomes so high they are going to be subject to the AMT, they cannot also be eligible for SCHIP. Families should not be considered low-income for the purpose of receiving taxpayer-funded health insurance and, at the same time, wealthy enough to have to pay the alternative minimum tax.

The Congressional Budget Office scores this amendment as achieving savings because there will be fewer people qualifying for SCHIP than otherwise under this bill.

This helps us get back to the original intent of the bill, which is to cover low-income children, which I strongly support. I hope Members will support the amendment.

Mr. BAUCUS. Mr. President, the Senator raises two issues, the AMT and this legislation. They are two entirely separate, independent issues. We will deal with the AMT at the appropriate time, not on this bill. The AMT is a huge problem. This Congress and the committee are going to, as sure as I am standing here, make sure we have some kind of AMT patch so taxpayers who did not pay the AMT tax in 2006 will not have to pay it for 2007.

We should not try to solve the AMT problem on the backs of the low-income kids. It is wrong, dead wrong. I strongly urge Senators to keep first things first. This is a kids bill, not an AMT bill. We deal with kids today and help low-income kids and we will deal with the AMT at a later date. Believe me, we will find a solution to that.

I urge Senators to keep their eye on the ball with kids and not to support the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—42

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner

NAYS—57

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Grassley	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Smith
Clinton	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden

NOT VOTING—1

Johnson

The amendment (No. 2579) was rejected.

AMENDMENT NO. 2537

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate prior to a vote in relation to amendment No. 2537 offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, my amendment says that the program is implemented as long as no more than 20 percent of the beneficiaries are crowded out of private insurance; in other words, no more than 20 percent of the beneficiaries already have private insurance.

Here is the problem: The Congressional Budget Office says that between 25 and 50 percent of the people who are going to be covered under this program already have private insurance. What is worse, every one of the newly eligible is already insured. In other words, CBO says 100 percent of the newly eligible, the people we are adding to this program, already have insurance. Now why should the American taxpayer have to pay for people who already have insurance?

Surely, in response to the argument of the other side that it is as efficient as we can get, we can be more efficient than 100 percent inefficient. My amendment says that when we get it down to only 20 percent inefficiency, then the program takes effect; in other words, when only 20 percent of the people we are paying for already have insurance.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is plainly, simply, clearly a killer amendment. There is no way in the world that CBO can certify 20 percent crowd-out. They cannot do it.

There are many organizations trying to figure out what is the so-called crowd-out rate. They are all over the lot. It is almost impossible to tell what it is. That is the reason for the big range to which the Senator referred. The one to one is not accurate. If you read the CBO table closely and go down to the next line, you will see it is much less, about one-third under the table. There is no way CBO can certify this. It cannot happen.

If this amendment is adopted, you are basically saying no State can have a Children's Health Insurance Program. This is clearly a killer amendment. We should not kill the Children's Health Insurance Program. We should help more kids get health insurance, kids who are not now getting it.

I urge refusal of this amendment.

Mr. President, before we vote, I wish to set up a series of colloquies among several Senators after this vote. I ask unanimous consent that the following Senators be recognized for the following amounts of time on the Lincoln amendment No. 2621: Senator LINCOLN, 5 minutes; Senator NELSON of Nebraska, 3 minutes; and Senator SNOWE, 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—37

Alexander	Barrasso	Bond
Allard	Bennett	Brownback
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Sessions
Coburn	Gregg	Shelby
Cochran	Hagel	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
Crapo	Kyl	Warner
DeMint	Lott	
Dole	Martinez	

NAYS—62

Akaka	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Roberts
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Specter
Collins	Lincoln	Stabenow
Conrad	Lugar	Stevens
Dodd	McCaskill	Tester
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	

NOT VOTING—1

Johnson

The amendment (No. 2537) was rejected.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I believe under the current agreement, the Senator from Arkansas, Senator LINCOLN, is next. I ask unanimous consent simply to call up an amendment, if there are no objections.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. LOTT. Mr. President, I reserved the right to object to make sure I understand what the request is.

Mr. OBAMA. My only request was to call up the amendment so it would be pending. I will not speak any further.

Mr. DEMINT. I ask the Senator to modify his request to allow me to bring up my amendment No. 2755 and allow me 10 minutes to speak.

Mr. OBAMA. I want to make sure I do not leave the Senator from Arkansas waiting. I was not going to speak on this but simply get my amendment pending.

Mr. DEMINT. I will speak afterwards.

Mr. OBAMA. After the existing order? I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will yield to the Senator from Idaho.

Mr. CRAIG. Senator LINCOLN is already under an operative unanimous consent agreement, as I understand it. There is simply a unanimous consent agreement to bring it up. I have been waiting to speak to an issue I think is

critical, and I am happy to accommodate, but I wish to be in that mix, if at all possible, for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, if I could, I object. I think we can work this out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The regular order is before the Senate.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is the recognition of the Senator from Arkansas.

Mr. LOTT. Mr. President, as soon as she completes her statement, we can go back and get this worked out.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2621 TO AMENDMENT NO. 2530

Mrs. LINCOLN. Mr. President, I remind colleagues under the unanimous consent agreement there was also time for my colleague Senator NELSON.

I ask unanimous consent the pending amendment be set aside and my amendment No. 2621 be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. ENZI, Mr. DURBIN, Mr. CRAPO, Mr. SMITH, and Mr. HATCH, proposes an amendment numbered 2621 to amendment No. 2530.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact legislation that improves access to affordable and meaningful health insurance coverage, especially for Americans in the small group and individual health insurance markets)

At the end of title VI, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

Mrs. LINCOLN. Mr. President, I ask one more unanimous consent request and that is to add Senator HATCH as an original cosponsor to our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I am so pleased to be here today, offering this amendment to affirm this body's commitment to move forward with health care reform in the small group and individual markets this year. We certainly know our focus here is on children. We want it to be. We know that is a priority. We know if we take things one step at a time, we do a much better job at it, so we are glad to be here working on children's health care and the availability and accessibility to that.

But we are also excited with the group of Members who have expressed their concern about the small group market, those of our small businesses and our self-employed, and the real concerns and needs they have in terms of access to health insurance. As is evident from this distinguished list of cosponsors joining me in offering this amendment, it is an extremely important issue, one that Members across the political spectrum in this body are committed to addressing in the coming months.

I know this week has been about children's health care, and rightly so. But we must not get ourselves into believing we are nearly done, because we are not. Much more work is required of us to ensure all Americans have access to affordable and quality health care.

There are now approximately 45 million Americans without health insurance. In my home State of Arkansas, 20 percent of working age adults are uninsured. Additionally, more than half of our uninsured workers are employed by businesses with less than 25 employees or are self-employed. These small business employees are almost always in a small group and individual health insurance market, where similar coverage usually costs more than it would in a large group market. Actually, they end up without anything, in terms of health insurance, because it becomes so costly.

Addressing this problem must be a national priority. That is why we have come together as a group. Those who lack health insurance do not get access to timely and appropriate health care. They have less access to important screenings and state-of-the-art technology and prescription drugs.

This is not a new problem and none of us see it as that, but it is a growing problem and it is one that we must address and we must begin to start to find the solution, the solution using new and innovative ideas to this age-old problem. I, along with each of these distinguished cosponsors on this amendment, have been working for a long time, trying desperately to make progress on this issue. We have not all approached it in the very same way, and, no, we have not necessarily seen the same path to a solution, but that is all right because what is important is that through this amendment we are recognizing and affirming our responsibility to come together in a bipartisan way, to use our individual expertise and perspectives, and to find a workable solution that is going to move the ball down the field and start providing real relief for our working families in this great country this year.

I take a moment to thank my partners on this amendment. I thank them for their determination to move forward in a bipartisan fashion, to make real progress on health insurance reform, specifically for small businesses and the self-employed. I thank them for all their tireless efforts, because each person in this cosponsorship list has taken a tremendous amount of their time over the past several years to devote attention to this critical issue: Senator SNOWE, who is on the Senate Finance Committee and also on the Small Business Committee; Chairman BAUCUS and Ranking Member GRASSLEY have been wonderful, in the midst of all the things they have been facing, to work with us as a group to talk about what we can and cannot do in the Finance Committee; Senator BEN NELSON, who has a tremendous history in dealing with this issue, from the perspective of his State but also here on the HELP Committee; HELP Committee Chairman KENNEDY; and Ranking Member ENZI, who comes with tremendous background; and Senator DURBIN and Senator CRAPO, with whom I have worked on so many different issues, as well as Senator SMITH and Senator HATCH.

We have a lot of work to do. I look forward to rolling up my sleeves, along with each of these cosponsors and each of our colleagues, to make the small businesses and the self-employed working families of this country a priority, as we have the children of this Nation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. LINCOLN. I wish to recognize my good friend from Nebraska, Senator NELSON.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska has 3 minutes.

The Senator from Illinois is recognized.

AMENDMENT NO. 2588 TO AMENDMENT NO. 2530

Mr. OBAMA. I ask unanimous consent the pending amendment be set aside so I may call up amendment No. 2588.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, and Ms. LANDRIEU, proposes an amendment numbered 2588 to amendment No. 2530.

Mr. OBAMA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To 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)

At the end of title VI, insert the following:

SEC. _____. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Job Protection Act''.

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2621

Mr. NELSON of Nebraska. Mr. President, I rise today, along with my colleague from Arkansas, my friend Senator LINCOLN, to speak on a separate but overlapping issue related to the challenge of providing health care coverage for the 9 million uninsured American children. Our colleagues Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH have forged a bold agreement to cover millions of children through the SCHIP program, the health program for our kids.

However, another problem remains. These children, by definition, live in households that have not been adequately covered by the private market. In fact, of the 45 to 46 million Americans who are currently uninsured, over 80 percent are employed. These people get up every day and work hard to support their families and keep our economy moving forward but are left praying their family doesn't face a bankrupting health crisis. Fifty percent of these Americans work for small businesses with fewer than 24 employees. The small business workforce is especially important in my State, and I know it is critical for many of my colleagues from other States as well.

I applaud the hard work which has gone into SCHIP, and I intend to vote for this important package. But I am also glad we have the opportunity to show our commitment toward providing market-based relief, which will afford additional coverage for the remaining uninsured Americans.

This is indeed one of our country's greatest challenges. I look forward to turning our focus to solutions for small business, alongside the leaders of the Finance and HELP Committees who have joined us today. I thank the floor managers for affording us this time. I am encouraged by the progress made today.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577 TO AMENDMENT NO. 2530

(Purpose: To amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce)

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside, and amendment No. 2577 be called up for immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2577.

Mr. DEMINT. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. DEMINT. Mr. President, one of the best ways we can help millions of American children access quality health coverage is to lower the cost of insurance for their families. Two-thirds of the uninsured have income at or below 200 percent of the Federal poverty level, and they cite a lack of affordability as a top reason for why they do not have coverage.

Our Tax Code already discriminates against Americans whose employers do not offer health benefits. I applaud a number of my colleagues, Senator WYDEN, Senator BURR, and many others, who have talked on the floor extensively about how we can equalize the Tax Code and make health insurance available to everyone.

Another driver of rising health insurance prices is excessive State regulation. These State mandates raise the cost of insurance, which, in turn, increases the number of Americans who are priced out of the health insurance market.

Current law traps Americans by only allowing them to buy health insurance in the State where they live. This is not fair, and it makes very little sense in a time when we are trying to lower the cost of health insurance. My amendment, which we call the Health Care Choice Act, will help millions of American children by allowing their parents to shop for health insurance the same way they shop for many other products: online, by mail, over the phone or in consultation with an insurance agent in their hometown.

This amendment will empower consumers by giving them the ability to purchase an affordable health insurance policy with a full range of options. This amendment would reform the individual health insurance market by allowing individuals and families who reside in one State to buy a more affordable health insurance plan that is offered and licensed in another State. That is an important point.

We are not talking about insurance that is not licensed. Every State has regulatory processes, and insurance products would have to be sold under one of those regulatory regimes in one of our 50 States. Health insurance plans would be able to sell their policies to individuals and families in every State, as other companies do in the sale of a wide variety of goods and services in other sectors of our economy.

Under this amendment, consumers would no longer be limited to picking only those policies that meet their States' regulations and mandated benefits. Instead, they could examine the wide array of insurance policies qualified in States across the country.

Consumers could finally choose the policy that best suited their needs and

their budget without being tripped up by State boundaries. This approach would provide more choices and more freedom to all Americans. If they want to purchase a basic, low-cost policy without hundreds of benefit mandates that they do not need, they will be allowed to do it.

Likewise, those Americans who are interested in a particular benefit would be allowed to do that as well. The Health Care Choice amendment will help the uninsured find affordable health insurance while also providing every American with better insurance choices. This amendment harnesses the power of the marketplace to allow Americans to tailor their insurance choices to their individual needs. That is something we should all be able to support.

According to the Heritage Foundation, a nonpartisan think tank, this amendment will broaden and intensify competition across health care plans and medical providers, encourage a serious review of existing health care regulations in every State, and expand the choice of millions of Americans of more affordable health insurance policies.

Mr. LOTT. Will the distinguished Senator yield for a question?

Mr. DEMINT. Yes, I will yield.

Mr. LOTT. Mr. President, I am very interested in what the Senator has to say.

Are you telling me that if I am in Mississippi and I want to buy a health insurance policy in South Carolina, I cannot do that?

Mr. DEMINT. You can't. Your State limits you. The way we have this set up federally, there is really no national market for health insurance.

Mr. LOTT. What is the possible explanation for that, or justification?

Mr. DEMINT. I wish I knew. I think many years ago we didn't have a good regulatory structure for insurance. It was provided to the States. But clearly health insurance is an interstate commerce issue.

Mr. LOTT. Absolutely.

Mr. DEMINT. People move all over the place. Companies have offices all over the place. For us to continue to limit the purchase of health insurance to the State one lives in makes no sense.

Mr. LOTT. I certainly agree. I thank the Senator for bringing this to the attention of the Senate.

Mr. DEMINT. I appreciate the question. I appreciate the support of the Senator.

In New Jersey, the average cost for a single person to buy health insurance is over $4,000 a year. Right across the river in Pennsylvania, the average is less than $1,500 a year. This amendment will give consumers the option of buying the health insurance that meets their needs and is right for them, even if it is right across the border. This amendment will result in significant cost savings.

A recent study found that consumers would save an estimated 77 percent in New Jersey, 22 percent in Washington, 21 percent in Oregon, and 16 percent in Maryland, if those States eliminated some of their mandates.

There will also be cost savings from cutting redtape because insurance plans won't have to go through 50 different certification processes.

By mandating benefits, State legislators have swelled the number of Americans without health insurance, making each health policy's coverage very different. They have added things such as acupuncture and marriage therapists and in vitro fertilization, things that may be important to some people but not to everyone. They should not be mandated to everyone.

Finally, this amendment is widely supported by Americans across the political spectrum. A poll conducted by Zogby International in September of 2004 found that 72 percent of respondents support allowing an individual in one State to buy health insurance from another State, if the insurance is State regulated and approved, as it would be under this amendment. The poll showed that only 12 percent of Democrats opposed it.

People understand intuitively that it doesn't matter. As the Senator from Mississippi just said, it doesn't make sense that we limit people to buying health insurance in only one State.

I encourage my colleagues to support the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is one that certainly cannot be accepted. Essentially, it allows insurance companies to race to the bottom, race to the State with the lowest level of standards of insurance regulation, to market and sell in any State, irrespective of what the standards would be in the other States. I don't think that is good policy. I understand what the Senator is driving at but certainly not tonight. Without a closer examination of what our State insurance regulation policies should be, this is not the time to get into this issue.

Mr. DEMINT. Will the Senator yield for a question?

Mr. BAUCUS. Certainly.

Mr. DEMINT. Are there particular States that you think the regulations are unacceptable for the people who live there?

Mr. BAUCUS. That is up to people in those States and their insurance commissioners, the decisions they make with respect to how their State sets up insurance regulation and sets up insurance commissioners.

Mr. DEMINT. My amendment does not change any of the State regulations. States continue to control their own regulations. It would allow the residents of the State, if they did not feel that the mandates were appropriate for their family needs, to look at another State for a policy where it was also regulated.

Mr. BAUCUS. That is correct. And that is the problem with the amendment. It would encourage companies to race to the bottom. I don't think we want that encouragement. We want a national program.

Mr. DEMINT. I believe we have had a second on a rollcall vote.

Mr. BAUCUS. At the appropriate time, if the Senator wishes to spend more time—I don't know where we are right now, frankly.

Mr. DEMINT. Parliamentary inquiry: I believe we had a second on the rollcall vote.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield?

Mr. BAUCUS. Mr. President, if the Senator would like to have a vote on his amendment, we will at the appropriate time.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Who yields time? Is there further debate?

Mr. BAUCUS. 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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2619 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside, and I call up amendment No. 2619 on behalf of Senators NELSON of Florida and ALEXANDER; that the amendment be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2619) was agreed to, as follows:

(Purpose: To reduce the cap on the tax on large cigars to $3)

On page 218, line 16, strike ''$10.00'' and insert ''$3.00''.

AMENDMENTS NOS. 2631 AND 2588 EN BLOC

Mr. BAUCUS. I ask unanimous consent that the following amendments be agreed to: No. 2631 on behalf of Senators DODD and CLINTON, and No. 2588 on behalf of Senator OBAMA en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2631 and 2588) were agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 7:45 this evening, the Senate proceed to vote in relation to the following amendments; that no amendment be in order to any of the amendments listed here prior to the vote; that there be 2 minutes of debate equally divided prior to each vote;

that after the first vote, the vote time be limited to 10 minutes; that the amendments be voted in the order listed: Coburn No. 2627, Vitter No. 2596, Allard No. 2535, Hutchison No. 2620, Kyl No. 2562, and Sanders No. 2600.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. LOTT. Mr. President, reserving the right to object, I ask only that the Senator include in his request that Senator COBURN have 5 minutes before his vote, which is the first in the group.

Mr. BAUCUS. I amend that to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 240

Mr. BAUCUS. Mr. President, I ask unanimous consent that at the conclusion of the next group of votes, the Senate proceed to executive session to consider Calendar No. 240, Timothy DeGiusti, of Oklahoma, to be a U.S. district judge; that there be 2 minutes for debate equally divided between the chairman and ranking member; that the Senate then vote on the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that at this time Senators KLOBUCHAR and COLEMAN be granted 10 minutes for a colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

TRAGEDY IN MINNEAPOLIS

Mr. COLEMAN. Mr. President, my colleague, Senator KLOBUCHAR, and I wish to thank our colleagues in the Senate for their thoughts and prayers for the victims in the almost unconscionable tragedy that struck our State yesterday.

We just returned from the scene of an unprecedented disaster in our State's history. As my colleagues have watched on the news over the last 24 hours, one of the busiest bridges in Minnesota—the I–35W bridge near the University of Minnesota in Minneapolis—collapsed into the Mississippi River yesterday evening.

The Mississippi is not just a river in Minnesota; it is our identity. Right near where the bridge went down, in 1680, Father Louis Hennepin, the first European in the region, first spotted the Falls of St. Anthony. A few years earlier, he ''discovered'' Niagara Falls as well. As the head of navigation of one of the world's great rivers, the Falls of St. Anthony became the focal point for Minnesota's lumber, textile, and flour-milling businesses that put us on the map.

Many Minnesotans have visited the spot far upstream in northwestern Minnesota, where the ''Mighty Mississippi'' is a little stream, flowing out of Lake Itasca, that you can walk across. It is why we call ourselves the Headwaters State and pride ourselves of being a place of invention and innovation.

So when the bridge came down 24 hours ago, part of Minnesota's soul fell with it as well. Having visited the site firsthand today, there are three things I would like to join Senator KLOBUCHAR in asking of our colleagues, our fellow Minnesotans, and all Americans this afternoon.

First, and most importantly, please keep the victims of this tragedy and their families in your thoughts and prayers. The courage of the first responders and other citizens who joined together last night in the noblest of rescue efforts will receive our unending respect. Unfortunately, our mission is no longer rescue but recovery.

The days ahead will be incredibly difficult for the families of the victims of those who we know have already left us and the many more who remain missing. For comfort in this time of unspeakable tragedy, we implore each and every one of you to honor their loss by keeping them near to your heart and in your prayers.

Secondly, let us acknowledge the skill, coordination, and courage of those responding to the scene of this horrific event. I was the mayor of St. Paul, Minneapolis's twin city and proud neighbor, when we experienced the tragedy that will define our era—the attacks of 9/11. I remember the challenges we had with communication, with logistics, and with overall preparedness.

Minneapolis, St. Paul, and the State of Minnesota learned the lessons of preparation that day and set out to ensure that if any major emergency should happen again, we would be ready. Mr. President, you hope that day never comes, but yesterday it came for the ''Mill City.''

Our Governor, Mayor Rybak, Hennepin County Sheriff Rich Stanek's office, other local first responders—police and fire—and hundreds of Twin City residents responded in a manner which those of us who witnessed will carry with us forever.

Mr. President, Senator KLOBUCHAR and I saw the living definition of heroism and leadership today.

We saw and heard stories of bystanders linking arms to pull victims from submerged automobiles, rescue divers braving the dangerous current of the Mississippi to reach vehicles beneath shredded concrete and jagged steel, and the faces of moms and dads reunited with their children after their miraculous escape from a trapped schoolbus. These images will reverberate across our State for years to come, and we owe all those who contributed to those stories of survival our eternal gratitude.

Finally, as we move forward in the coming days and weeks, let us commit ourselves to rebuilding this critical artery in our heartland and to protect against another tragedy such as this from ever occurring in our great Nation. This process will take time, energy, and dedication.

Next, it is absolutely critical we begin a comprehensive evaluation of our Nation's infrastructure immediately. The one thought many of my colleagues have conveyed to me over the last 24 hours is the fear this could have happened to any bridge in their home State or hometown. We need to make sure it never will.

We also need to rebuild. Our Federal Highway Administration operates a program to assist in this type of disaster, providing emergency relief for Federal highways in the wake of tragedy.

Our Governor made a request today to the Secretary of Transportation. Senator KLOBUCHAR and I will join the entire Minnesota delegation in working with the Department of Transportation to transfer this funding as quickly as possible. My colleague will talk a little bit about some of the details of what we are asking. We need, in sum, to make the funding as expeditious as possible. We have some legislative hurdles we believe we can correct.

Senator KLOBUCHAR and I have introduced a bill to waive the cap on emergency highway funds that can be transferred in such a scenario and to allow those funds to be used to help transit routes and facilities in the meantime, as an interim measure.

We do not have much time to rebuild in Minnesota. The construction window is extremely small because of our difficult winters. We need to pass this waiver before we recess, hopefully, tomorrow.

As Minnesota has come to the aid of other States in their time of disaster, we are going to need a lot of help in our home State. I am happy to hear from around this Capitol and throughout the administration that help will be coming very soon.

We must wrap our arms around those who have lost and grieve.

There will be the temptation to turn pain and agony and suffering into anger and blame. Unfortunately, blame will come—responsibility for this tragedy may lie in many places—but I ask all of us today, let prayers and support be the order of the day.

Our obligation and commitment to the victims of the horror of yesterday's tragedy must be to recognize that we can no longer put off our commitment and obligation to our Nation's infrastructure.

I am committed to that cause on behalf of Minnesota and reach out to my colleagues to ask you to join with me in making that commitment to all of America.

At one of the darkest moments of the American Revolution, George Washington wrote these words in a letter:

Perseverance and spirit have done wonders in all ages.

The people of Minnesota are writing a new chapter in that American story in the aftermath of one of the worst disasters my State has ever seen.

I am honored to be a Minnesotan today, and I look forward to what I trust we will accomplish together tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague, Senator COLEMAN, for those fine words and for his description of the history of the Mississippi River, which is such an important part, as he noted, of our State's history. But for me it is personal. I live only 8 blocks from where this bridge buckled under. This is a place where every day I drive with my husband and our 12-year-old daughter.

As I looked down at that bridge, when I stood on the side and saw that schoolbus barely hanging to the side of that fallen concrete, I thought of those drivers, I thought of those other moms with their kids in the backseat—that on an August day, maybe they were going to a Twins game or maybe they were driving home from work—and never did they expect that a massive eight-lane interstate highway bridge would suddenly buckle to the ground. That is what we saw when we went there this morning.

But the other thing I saw that I come back to tell the Nation is there are little miracles every day—the miracle of that schoolbus, where kids from a very poor neighborhood in Minneapolis were sitting and somehow saved, and acts of heroism. People saw on the news the woman diver who went in and back in and back in, without any safety equipment on, among the concrete and the shards looking for survivors.

This was a disaster that no one expected, but it was something our city and our State had planned for. We learned the lessons from 9/11, and we had many practices for these kinds of disasters. I was the former prosecutor for this area. I remember meeting with the sheriff and the police chief and we planned these drills and we went through them. You could see the results today. You could see the lives that were saved.

When we got in today and drove on this highway, there were actually billboards—actual billboards—already up telling people how to get around the scene. There were actually 24 buses added to the transit service, already, at 6 a.m. in the morning and advertised in the newspaper so people could get to work. This is going to be a model as we go forward for how to handle national disasters.

The Mississippi River starts in Minnesota. In fact, you can walk across it by Lake Itasca, as Senator COLEMAN noted. But then you go down and it gets bigger and bigger and pretty soon it ends in New Orleans.

When I think about what happened today, I think of a much bigger and more massive disaster with Katrina and how that was handled and how people in Washington responded. In some ways, I always think of those people stranded on those roofs. I think the mirror of those people was a reflection of leadership and a lack of leadership. We are not going to let that happen in Minnesota.

We know this is not the massive disaster of Katrina. But it is a huge mess, and it involved a loss of life. So we are coming together, bipartisan, with our colleagues on the other side of the aisle. Senator REID is fully behind this. Senator DURBIN, Senator SCHUMER, Senator MURRAY—they all talked to me already this morning, and they pledged their support.

So what we have proposed, working with Senator COLEMAN—we are working together on this—and working with the Republican leadership, is we get a bill passed tonight to at least authorize a lifting of the cap so we can move forward for emergency disaster relief.

But I think this is also a reminder, as we go forward, that we have to invest in our Nation's infrastructure. We do not know what the cause of this disaster was. One thing I learned as a prosecutor is, you do not come to conclusions unless you know the cause. But this is a reminder that we need to invest in our long-term infrastructure, and we need to have those emergency funds in place, because a bridge such as this in the middle of America should not fall into a river on an August day.

We need to get to the bottom of this and we will rebuild this bridge and we will rebuild this country.

Our prayers are with the families, our thoughts are with the rescue workers. We thank them for working throughout the night. We thank our hospital personnel and our firefighters and our police officers and the ordinary citizens who were walking by—it is right in the middle of the University of Minnesota campus—and dove into that river to help.

This was the true spirit of Minnesota, and the world watched last night.

Thank you, and I thank my colleagues for their support and all the help they have given us as we move forward. This is going to be a long process. It is not going to end tonight. Our goal is to get this bridge rebuilt and to get our city moving again.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2621

Mrs. LINCOLN. Mr. President, having visited with certainly the managing Senators for this bill, I would like to call up my amendment No. 2621. I believe it is appropriate at this time to ask unanimous consent for its acceptance.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator for her efforts on this amendment. She has worked very hard on it, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2621) was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for possibly 10 minutes to have Senator BURR, Senator BENNETT, and myself engage in a colloquy.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, as my colleagues have stated, we have to make health insurance more affordable. One thing Democrats and Republicans can agree on is that there are inequities in the tax treatment of health insurance. We all agree that Congress should level the playing field and expand access to health insurance; the question gets down to how.

Proposals which have been introduced so far include the President's proposal, which includes a standard deduction for health insurance. Senator BURR, Senator COBURN, Senator MARTINEZ, Senator CORKER, and Senator DOLE have formally introduced a tax credit proposal. Each proposal contemplates eliminating the exclusion for employer-provided coverage to meet this end. Currently, a taxpayer who receives health insurance through his or her employer is not taxed on the cost of the health coverage. Individuals who do not receive health coverage through their employer and are not employed and purchase health insurance on the individual market generally do not receive a tax benefit. As we just discussed, this problem is most acute in the small business context.

Senator WYDEN and Senator BENNETT are also interested in fixing the health care system and making health insurance more affordable. Their proposal also contemplates amending the Tax Code for that purpose. I commend Senators WYDEN and BENNETT for their work in this area.

I wish to ask Senator BURR if he would take an opportunity at this time to comment on this and explain where he is coming from, and then I will call on Senator BENNETT.

Mr. BURR. Mr. President, I thank Senator GRASSLEY for, as a key member of the Finance Committee, acknowledging the fact that it is time we treat all Americans the same; that if you give a tax break on one side, you should give a tax break on the other side; that you should treat everybody alike. I think we approach this in a bipartisan way with Senator WYDEN and Senator BENNETT, and though we disagree about exactly how to implement it, this is tremendous progress.

As the chairman described the difficulty we have today and the challenge in front of us, I think all of us say: When are we going to fix it? Today, we are on the floor talking about an expansion for uninsured children. What we are attempting to do is

to take care of the whole uninsured population. Through refundable tax credits, which I believe reach all Americans—not some and not just those with incomes that have tax deductibility at the end of a calendar year but all Americans—I think we accomplish that commitment to say we want to go out and make sure every American has coverage. We want to make sure they have the resources to go in the private marketplace and negotiate coverage that reflects their age, their income, their health condition. We want health care to be portable so you are no longer locked to an employer because of health care. We want individuals to have the capacity to take it with them, regardless of where they work.

We propose that once we reach tax equity, every individual in this country would receive annually a $2,160 refundable flat tax credit, and every family would receive a $5,400 annual refundable flat tax credit, more than enough money to cover the tax consequences of a benefit that is not treated as wages, and for any extra money that is left over if you are on employer plans, it would be deposited in a health savings account where those additional funds could only be used for health care.

For individuals in the market today who don't have coverage, all of a sudden we have provided the money for them to go into the marketplace and to negotiate coverage for themselves or for their families. That check would go directly from the U.S. Treasury to the insurer that is providing that coverage. If there is something left over from their tax credit after they have negotiated for coverage, it would go into their health savings account.

We are maximizing the amount of dollars just by treating Americans the same—not by giving one special favors and others being deprived of that but saying we are going to treat all Americans the same. Then, an amazing thing happens: We no longer have a debate on uninsured Americans because every American has the opportunity through that—it is not under the Government plan—to receive that refundable flat tax credit.

Some may be at home saying: This really doesn't apply to me. But it does because when you eliminate the uninsured in this country, you eliminate the cost shift each one of us who has health insurance today pays for. I tell my colleagues that the cost of every American's health insurance will come down if, in fact, we solve this problem once and for all.

I think the commitment from the ranking member of the Finance Committee is an important first step for us treating the tax side of this in an equitable fashion, and I look forward to working with our other colleagues on exactly what the solution is.

I yield the floor.

Mr. BENNETT. Mr. President, I apologize for my voice. Some people may say I need a little health care, but, in fact, I am in good shape.

I wish to thank the ranking member of the Finance Committee for his diligence in this situation as well as his attention to this issue over more than a decade. As a very freshman Senator in 1994, I participated in the debate we had on comprehensive health care that ended up in a situation President Clinton described in his State of the Union Message the following year. He said: Last year, we almost came to blows over health care, and he wanted to know why we couldn't get together on bipartisan lines.

Well, the ranking member of the Finance Committee has signaled his willingness to get together along bipartisan lines. Senator WYDEN, a member of the committee, has talked to me about this, and I have been more than happy to join with Senator WYDEN, and I thank him for his statesmanship and his willingness to deal with this question in a bipartisan way.

Senator BURR has talked about how universal coverage—the term Republicans always used to hate to use—is now a legitimate concept. Universal coverage used to be code word for a single-payer, government-run system, which Republicans opposed. We now understand that everyone in the country should have access to health care so that the cost shifting Senator BURR talked about can stop and the debates over what can be done for the uninsured can stop, and it can be done if we change the tax laws in an intelligent way.

Our tax laws for the coverage of health insurance go back to the Second World War. I think the economy has changed sufficiently since the Second World War that we can recognize that the tax laws need to be changed. Senator WYDEN's leadership on this issue, opening up the question of how we can use tax credits now to achieve what Democrats have wanted to achieve for a long time, which is universal access to health care, and at the same time provide what Republicans have wanted for a long time, which is real market forces in health care, to me is an idea whose time has come.

So I am looking forward to the opening the ranking member of the Finance Committee has suggested, where the Finance Committee can have hearings on this issue when we come back after August. I know that will require the cooperation of the chairman of the committee, and I am not being presumptuous to try to suggest what the schedule should be. But I am grateful that the conversation is taking place, that the recognition that hands must be joined across the aisle to deal with this question that has been raised, and I look forward to participating in the debate in any way that I can be helpful.

Mr. GRASSLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. I am going to not say any more, but I ask unanimous consent for 3 additional minutes, and then I will be done because there are three other Members whom I forgot to mention whom I promised a minute to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield 1 minute to Senator CORKER and then 1 minute to Senator MARTINEZ and then 1 minute to the Senator from Oklahoma, or whoever wants to use the last minute.

Mr. CORKER. Mr. President, I appreciate the opportunity to speak to this issue. Certainly, Senator BENNETT and Senator WYDEN, Senator COBURN, Senator BURR, and Senator MARTINEZ and a number of people have joined in this debate, and we have spent a great deal of time talking about the important health care bill, the one we are voting on right now tonight. But the fact is, we all know we need to reform health care so that we have equal tax treatment, so that people have the opportunity to actually buy private health insurance and choose the physicians of their choosing.

We can continue to have these short-term fixes—we now have a fix that takes us through 2012 on this program—or we can have reform that really works. I appreciate the chairman and the ranking member having hearings for us to be able to talk about this in a real way. I hope what has happened with Senators WYDEN, BENNETT, and BURR, and Senators COBURN and MARTINEZ and others, including myself, is that hopefully we will have an opportunity to have a real debate on health care reform so that we can really move toward what this country ought to do, and that is to make sure Americans have the opportunity for affordable, quality health care, and we can move beyond these short-term solutions we are faced with today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I wish to rise also to speak on this issue. It is very important that we talk about children's health care, as we have been doing over the last several days, but it is equally important that we talk about all Americans. In the State of Florida, 17 percent to 20 percent of the people are uninsured on any given day. That is unacceptable. We as a country have to deal with this issue. I want to deal with it in a way that allows for there to be tax equity, for one thing, for those who purchase health insurance through their employer and have tax equity for those who choose to buy a single individual policy of their own. We need to find a way through the tax credit program we have introduced with this bill so that we then make it possible for people to buy health insurance.

So the goal is not to create a single-payer system, to create a government-run system—which we know is not ideal and which we know has not been the way to provide the greatest and best care—but to provide a way for people to become insured and for those

who cannot afford it to have an opportunity through the Tax Code to get the help they need so they can purchase it.

I believe there are a lot of good ideas we need to discuss, a lot of debate that needs to take place. At the end of the day, I don't think we should fear a discussion, and we should not fear the possibility that we all are coming to a consensus on the idea that all Americans have to have a place where they can go for their health care. A lot of health care dollars can be saved if people have that kind of maintenance and care all along so that they are not only going to a health care facility in a crisis, in a medical crisis. We would save a lot of dollars in the end, and the quality of life of the American people would increase as well.

I thank the ranking member for his courtesy and yield the remainder of my time to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I just want to make two points on the Every American Insured Act, and that is that every American ought to have access to health care, and if we do that, the average American's health care policy right now would go down $1,000 a year. There is over $250 billion in cost shifting that is in the system today that will go away. We ought to be thinking about that. We ought to be looking at it.

What we do know from around the world is that a true competitive market will yield the best quality and the best results and the best outcomes for every American.

Mr. GRASSLEY. Mr. President, the underlying intent of any of these proposals is to put downward pressure on insurance costs, thereby reducing the cost of health care.

If Congress goes in the direction of a tax credit, the tax credit must be structured so that low-income individuals have a meaningful tax subsidy to purchase health insurance.

If Congress goes in the direction of a standard tax deduction, any deduction must be structured to ensure that taxpayers who continue to receive health care coverage through their employer do not see a significant increase in their taxes.

Congress should also contemplate a combination of a tax credit and a deduction.

A combination effectively marries these tax concepts and may serve as a viable compromise.

I believe that the Senate Finance Committee should hold hearings on the various ways we can reform the health care system. We may even be able to mark up a proposal that could be acted upon by this body before the end of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, there is only about 17 minutes before voting starts. I have an amendment I would like to speak to for 4 or 5 minutes. If there is not somebody else who needs that time right now, let me do that.

This relates to an amendment that will be, I believe, the last one we vote on in this next tranche that simply reinserts into the code the very minimum wage tax provisions the Senate voted on and approved. It was—if not unanimous, it was a very strong vote in favor of those provisions.

Recall that when the minimum wage bill was dealt with in the House, they originally had a bill, but they ended up putting it in the Iraq supplemental appropriation because that was a must-pass bill. So the minimum wage provisions were attached to that bill, and they passed but without all of the Senate-passed tax provisions.

The bill we are literally debating tonight came from the House of Representatives and is that tax bill. Now, we have amended it to include the SCHIP provisions, but what we need to do is to use that House shell bill for its original purpose, also, and that is to add back the exact provisions we passed in this body to help small businesses offset the costs of the minimum wage requirements we imposed upon them. They have to do with depreciation for leaseholds, restaurants, and for some retail construction. I will explain what each of them is.

Under the leasehold restaurant renovation provision, under current law, leasehold and restaurant improvements and renovations are depreciated over a 15-year period, but that only applies through the end of this year. What we did here in the Senate was to extend that treatment through the end of 2008—very reasonable.

New restaurant construction. Current law requires that components of a new restaurant be depreciated over as long as 39 years, if you can believe it. It doesn't make sense to depreciate restaurant renovations over 15 years but new construction over 39. So what the Senate did was to fix this inconsistency and provide for the same appreciation, a 15-year period, and to extend that again through the end of the year 2008. This applies to things such as convenience stores. A direct competitor of a quick-service restaurant can use the 15-year depreciation schedule for all construction, and it is permanent in our Tax Code. If you have a different kind of restaurant, you don't have that same tax treatment. The Senate recognized that inconsistency and put that into the law and extended it until 2008.

Finally, an owner-occupied retail. Improvements made to that were depreciated for as long as 39 years. The Senate recognized that owner-occupied retail space is not renovated and maintained as often as leased space. So our minimum wage bill provided a 15-year recovery period for improvements made to owner-occupied retail spaces. We extended that same treatment through the end of the year 2008.

My point is those three provisions, which we passed in this body—I think they are all supported by members of the Finance Committee—are not law only because they got dropped in the very bill we are debating today that came over from the House. It is, therefore, the perfect opportunity for us to put them back in.

I am sure my friend, the chairman of the committee, will say this is the wrong bill to do it; this is the SCHIP bill. Well, I say we should not have put the SCHIP bill on the tax bill. We should use that tax bill for its original purpose—to have the House have to pass the same tax provisions we passed. We have to deal with these expiring provisions sometime this year. Right now, they expire at the end of this year. We have to do it. We might as well do it in the very bill it was intended to be done on right now.

There may be a commitment to do all of these so-called extender provisions sometime before the end of the year. When we come back in September, things are going to get pretty dicey with the issues relating to foreign policy and, ultimately, probably tax bills such as AMT relief. We have the FAA reauthorization and all these other things, with time running out.

There is no reason we cannot do it now. I suggest that we do it. All this amendment does is extend the current law provisions for restaurants and leaseholds through the end of 2008—the same thing we would be doing with the usual extender package—and adding the new restaurants construction and owner-occupied retail space to the 15-year depreciation category, as we already did when we passed the minimum wage bill in the Senate.

Remember, we have now imposed the minimum wage burden on small businesses, and they are going to expect some relief so they don't have to bear all of the expense of it. They expected that relief. They are not going to get it if we are not able to extend it before the end of this year. This is the place to do it. I hope my colleagues, when they get to this last amendment, No. 2562, relating to depreciation for retail and restaurants and construction, will recall that they have already supported this once before. We have this commitment to our small business constituency, and I think this is the perfect vehicle for us to ensure that that relief actually gets to them and that they, therefore, can take advantage of it beyond the end of this current year.

Mr. COBURN. Mr. President, under the previous order, at 7:45, I had 5 minutes reserved. I wish to start on that amendment now, and that would give me a total of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I understand we have worked on another amendment, a Senator WYDEN amendment, on juvenile diabetes. I understand it has been worked out all the way around. I urge the Senator to offer it now so we can get that out of the way, and the Senator from Oklahoma can then speak.

Mr. COBURN. I withdraw my request.

AMENDMENT NO. 2570, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. WYDEN. I thank the chairman from the Senate Finance Committee.

I ask unanimous consent to call up my amendment No. 2570, and I send it to the desk with a modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 2570, as modified.

The amendment is as follows:

On page 217, after line 25 insert the following:

SEC. __. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15 million during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 states over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

Mr. WYDEN. Mr. President, I will be very brief. The amendment has been accepted by the leadership on the Senate Finance Committee. We have been talking a lot about health care. We have a lot of health care in our country, but, unfortunately, not enough prevention or wellness.

This amendment is designed to deal with epidemic juvenile diabetes. We can effect it by encouraging people to change behavior through personal responsibility with a bipartisan agreement to promote that.

I urge its adoption.

Mr. BAUCUS. Mr. President, as the Senator indicated, it has been agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2570), as modified, was agreed to.

AMENDMENT NO. 2618 WITHDRAWN

Mr. BAUCUS. Mr. President, before the Senate proceeds, I ask unanimous consent that amendment No. 2618 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2627

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2627, and I ask unanimous consent that Senator VITTER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is pending.

Mr. COBURN. Mr. President, this is a fairly straightforward amendment. I am not sure what the chairman thinks about it. One of the things we know—even from the chairman's words earlier—he rejected the CBO evaluation of the new enrollees in this system. What we do know is that a large number of children who now have insurance with their parents are going to be moved out of that insurance to somewhere else.

In the old SCHIP program, we had a concept of premium assistance. In the two States that have gotten through the very tough parameters of that assistance and have met it to meet the requirements of SCHIP, we found fewer kids go away from their parents' insurance and stay unified in the same clinic, with the same doctors, with continuity of care. And 77 percent of the children between 200 and 300 percent, which is what we are addressing with the new bill, are already covered. For the fully eligible kids up to 200 percent, CBO tells us for every one we add, we will take one off.

This amendment says let's not take them off. Let's use the money for premium assistance to help those parents keep the insurance with them. In Oregon—and the Senator from Oregon might know this—those families who chose the premium assistance option were more likely to receive care in a doctor's office or HMO, rather than a public health clinic or a hospital clinic. Families using the premium assistance option also reported fewer unmet primary and specialty care needs than those in traditional SCHIP. The premium assistance option works. We need to remove the difficulties and barriers so that more individuals eligible for SCHIP have the freedom to access it.

Ensuring that newly eligible populations under the Baucus-Grassley proposal are covered with a premium assistance model will ensure the preservation of market-based health care, rather than decline that system.

Many lower income families already participate in the private health insurance market. Seventy-seven percent, as I said, of those in the 200 to 300 percent of the Federal poverty level are already covered in a private insurance market. So if the purpose of SCHIP is to get kids covered and we are worried that some in this group—those at 200 to 300 percent—why not use premium assistance to help them stay in a contiguous family policy and help the parents maintain them within that policy?

We accomplish the same goal and we do a couple other things. No. 1, we let parents make a decision on who their doctor is going to be for their child, rather than a Government bureaucrat. In many SCHIP programs, there is a limited number of providers, and the child may not be seen now. What this does is use the funds to allow them to stay with their parents, still reaching the goal of covering more kids; but, also, CBO has scored this amendment as saving money because we will cover more children at a lower cost.

It is a fairly commonsense amendment. There are problems with the requirements on the premium assistance model in the old SCHIP program. As a matter of fact, four other States had gone to it and then left because of the complications of getting the waivers and meeting the requirements of the SCHIP, which forced children away from the primary care doctor they and their parents wanted to have.

There is one other thing that I think is important. Whether we like to admit it or not, 60 percent of the primary care doctors in this country don't take SCHIP or Medicaid. So we have limited it down to 40 percent. If we want to have equal access for these children under the SCHIP program, we need to take the Medicaid SCHIP stamp off their forehead. We need to give to them the market so they can go where they want to go. By doing premium assistance, you allow that freedom of choice by the parents of the children. When we don't allow premium assistance, we take choice away—here is what I had and now I don't have the choice. I submit to the body that this will discourage a large number of children from going into the SCHIP program. So if our goal is to increase it from 200 to 300 percent, and over 77 percent of those are already insured, why would we not want to keep those already insured and do a premium assistance model and help the other 23 percent with the SCHIP program?

It is a straightforward amendment. The Massachusetts Institute of Technology economist Amy Finkelstein recently released research about the unintended effect of what happens when the Government controls health care. The summary of that is we pay more, but we don't get better results.

I showed a chart here the other day, actually, of the fully absorbed cost of us buying insurance through the SCHIP program versus what you can buy in the private market. The difference is astounding. It is about $1,800 more to buy a $1,352 policy versus the other.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COBURN. I ask unanimous consent for an additional 5 minutes, as I did when I requested it from the chairman.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. What did the Senator request?

Mr. COBURN. I requested to start 5 minutes early so I could still have the 7:45 to 7:50 time slot. I will finish up faster than that. I need 2 or 3 minutes.

Mr. BAUCUS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, America spends 16 percent of its gross domestic product on health care, and that doesn't take into account any research and development. It is important to know that, through the private sector, M.D. Anderson, in Texas, spends more on research than the entire country of Canada. We don't want to disrupt that.

So keeping these children in a private program with their parents, with the continuity of care, I can tell you that as a practicing physician, when you have one child go one place and one child going somewhere else, and a parent going somewhere else, the ability to access health care declines. So I hope the chairman will consider accepting this and look on it favorably. We will actually make the Baucus-Grassley bill much more effective, much like we are seeing in Oregon, which has been effective with children staying on the same health care with their parents.

With that, I yield the floor.

Mr. BAUCUS. Mr. President, we are close to 7:45. I suggest that the voting begin now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. 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.

Mr. BAUCUS. Mr. President, I understand there is 2 minutes allowed equally divided prior to the vote; is that correct?

The PRESIDING OFFICER. Yes, it is.

Mr. BAUCUS. Does the Senator wish to speak for 1 more minute?

Mr. COBURN. I just spoke.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not wise. I do not think we should adopt this amendment. What does the amendment do? Basically it would require at least 34 States would have to resign their successful Children's Health Insurance Programs in ways that force children into potentially inferior coverage; that is, their health insurance coverage would be worse than under SCHIP. Why? Because sometimes private health insurance requires deductibles or limits hospital stays, may prevent insulin from being available for diabetes. It forces premium assistance. It forces people into coverage they may not want. I don't think we want to do that.

Second, it would force children to take the premium assistance to purchase HSAs. That is not a good idea. HSAs work better for wealthier Americans, healthier Americans. We are talking about low-income kids, and they have to spend a lot of money on high-deductible HSAs. I don't think it is a good thing to do.

We are here to help kids. We are not here to force kids into private coverage plans and use their premium assistance to buy HSAs.

I urge the amendment not be agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I note a couple points. This does not force any kid, 200 percent or under, to go into the premium assistance program. A family making $62,000 a year—that is not a low-income kid. As a matter of fact, 21 States in this country have less income than that. It is working well where it is being utilized, and it does not force anyone into inferior care.

I understand the chairman's objection. I take that, but the record should show that of those who are on premium assistance today, they have adequate or greater care than the SCHIP program.

Mr. BAUCUS. Mr. President, since the Senator took an extra minute, I ask to respond and then get to the vote.

Essentially, this amendment forces kids to use premium assistance in two negative ways. One, it forces them into private coverage. They may not want it because the private coverage might be worse. Second, this amendment has the effect of forcing premium assistance to buy HSAs.

I don't want to encourage it at this point because HSAs are better for the healthier and wealthier and not low-income kids. I urge the amendment not be agreed to.

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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—37

Alexander	Craig	Lott
Allard	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Dole	McCaskill
Brownback	Ensign	McConnell
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Gregg	Sununu
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Corker	Isakson	
Cornyn	Kyl	

NAYS—62

Akaka	Clinton	Kennedy
Baucus	Collins	Kerry
Bayh	Conrad	Klobuchar
Biden	Dodd	Kohl
Bingaman	Domenici	Landrieu
Bond	Dorgan	Lautenberg
Boxer	Durbin	Leahy
Brown	Feingold	Levin
Byrd	Feinstein	Lieberman
Cantwell	Grassley	Lincoln
Cardin	Harkin	Lugar
Carper	Hatch	Menendez
Casey	Inouye	Mikulski
Murkowski	Roberts	Stabenow
Murray	Rockefeller	Stevens
Nelson (FL)	Salazar	Tester
Nelson (NE)	Sanders	Warner
Obama	Schumer	Webb
Pryor	Smith	Whitehouse
Reed	Snowe	Wyden
Reid	Specter	

NOT VOTING—1

Johnson

The amendment (No. 2627) was rejected.

AMENDMENT NO. 2596

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2596, as modified, offered by the Senator from Louisiana, Mr. VITTER.

Mr. VITTER. Mr. President, this is also a crowding-out issue, which I think is a very important and central issue in this debate. I am for a safety net. I am for insuring children who aren't insured, who can't get health insurance otherwise. What I am not for is pushing kids who are on perfectly solid ground off that solid ground and into the safety net. That is what, in part, this very large SCHIP expansion would do, perhaps 50 percent of the new SCHIP enrollees being folks—kids—who have private insurance. Now, that is wrong and it is also very expensive to the taxpayer.

What this amendment does is simple: It says we are for a safety net, but we are not for pushing people who are on solid ground into the safety net. And if they have difficulty staying on that solid ground in terms of affording their premiums, we are going to allow States to have premium subsidization, premium support to be able to keep those folks on good private insurance. That is what we should do, rather than push people off solid ground into the safety net at great taxpayer expense.

I yield back my time.

Mr. BAUCUS. Mr. President, I don't think we want to do this. This requires—it mandates—that States deny kids coverage under the program if their employer offers health insurance. It requires it. I don't know where we have those kinds of requirements today in the health care area. Senior citizens are not required to sign up for Medicare Part B. There is no requirement. Why should we require States to prevent children's health insurance coverage if by chance the child's family is offered private health insurance? The private health insurance may be inferior to what the child would otherwise get in the program. The benefits might be much less. Who knows what doctors are available. Who knows?

I don't think we want to require States to prevent families and low-income kids from getting CHIP coverage simply because an employer offers health insurance. That is not a fair choice. I think we should, therefore, reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. 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 South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—35

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bond	Domenici	McConnell
Brownback	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Corker	Hutchison	Voinovich
Cornyn	Inhofe	

NAYS—64

Akaka	Grassley	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Hatch	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Roberts
Brown	Klobuchar	Rockefeller
Bunning	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Specter
Clinton	Lincoln	Stabenow
Coleman	Lugar	Stevens
Collins	McCain	Tester
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—1

Johnson

The amendment (No. 2596), as modified, was rejected.

AMENDMENT NO. 2535

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2535, as modified, offered by the Senator from Colorado, Mr. ALLARD.

Mr. ALLARD. Mr. President, this amendment codifies the ''unborn child'' rule. The purpose of this amendment is to provide health care services to benefit either the mother or unborn child, consistent with the health of both.

It has been reported that some States denied health care to the mother for disorders not directly affecting the unborn child. This is just a commonsense amendment. Obstetricians recognize that you are dealing with two separate individuals, that you have to deal with the unborn child as well as the mother. Obviously, you need to have a healthy mother in order to have a healthy unborn child.

I ask for an ''aye'' vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I urge a ''no'' vote on the amendment. This amendment is an effort to inject a very highly contentious abortion rights issue into this children's health insurance legislation. I think it is a mistake for us to do that.

The underlying bill which came out of the Finance Committee protects the right of any State in the country to provide health care to pregnant women. It protects the rights specifically of the 11 States that are currently providing coverage under this unborn fetus regulation to continue to do that. So there is no need for this amendment. I urge my colleagues to oppose it.

Mr. ALLARD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three seconds.

Mr. ALLARD. Mr. President, this is not unprecedented action. We have passed the Unborn Victims of Violence Act, and so this is basically what we are trying to do, to make sure the mothers have the health care they need.

I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—49

Alexander	DeMint	Lott
Allard	Dole	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Casey	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Coleman	Isakson	Vitter
Corker	Kennedy	Voinovich
Cornyn	Kerry	Warner
Craig	Kyl	
Crapo	Landrieu	

NAYS—50

Akaka	Feingold	Obama
Baucus	Feinstein	Pryor
Bayh	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Brown	Lautenberg	Sanders
Byrd	Leahy	Schumer
Cantwell	Levin	Snowe
Cardin	Lieberman	Specter
Carper	Lincoln	Stabenow
Clinton	McCaskill	Stevens
Collins	Menendez	Tester
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Dorgan	Murray	Wyden
Durbin	Nelson (FL)	

NOT VOTING—1

Johnson

The amendment (No. 2535), as modified, was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2620

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2620 offered by the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President, we have been talking about having one State or another State have a different cost of living, and therefore having to have a waiver for the whole State. My amendment says the Secretary will look at the cost of living in an area of the State, a county, or a statistical metropolitan area, so you don't have to have a waiver for a whole State, if it is only one city or one area in that State that needs the extra help. That is my amendment. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just assume that you are a person who is maybe in one city and move to another town or have relatives in one city or town in the same State. You don't know what the match is going to be. You don't know whether you qualify or don't qualify. I don't understand this amendment at all. I am really quite astounded that we would want to even countenance doing something like this. Essentially it says: OK, MSA, State, you don't get the 300 percent match rate in Medicaid. You get 200 percent. You get Medicaid which is adjusted by cost of living, and MSA with a county or a State. I don't get it. I think we have to get some simplicity, some continuity, allow some people to have some idea of what the law is. I urge Senators to not support the amendment.

Mrs. HUTCHISON. Mr. President, it just makes common sense that you would want to help the areas that have a clear cost-of-living adjustment need, but you don't have to do it for a whole State if it isn't needed in the whole State. It would save taxpayer dollars. It is equitable. It is fair, and it is responsible. I hope we can adopt it.

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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 78, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—21

Allard	Crapo	Inhofe
Barrasso	Dole	Isakson
Bennett	Domenici	Lugar
Chambliss	Enzi	McCain
Cochran	Graham	Sessions
Cornyn	Hagel	Shelby
Craig	Hutchison	Vitter

NAYS—78

Akaka	Durbin	Murkowski
Alexander	Ensign	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Inouye	Roberts
Brownback	Kennedy	Rockefeller
Bunning	Kerry	Salazar
Burr	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Kyl	Smith
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Coburn	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lott	Thune
Conrad	Martinez	Voinovich
Corker	McCaskill	Warner
DeMint	McConnell	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

NOT VOTING—1

Johnson

The amendment (No. 2620) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have had a conversation with the two managers of the bill, and we have two or three amendments left, and one of those could go away, which means we will have a couple of votes, maybe three votes before final passage.

The managers, I think we would all acknowledge, have done a very outstanding job on a difficult piece of legislation.

I would also say, Mr. President, we are going to have to be in session tomorrow. At 9:30 in the morning—I told Senator BYRD it would be a 9:45 vote—there will be a 9:30 vote in the morning. We will vote on a judge at 9:30. Then we will proceed on some other matters. We are going to try to complete the WRDA conference. We are going to have a real yeoman's try at completing the competitive matter. I understand there is a hold on that now. We would hope we could complete that by unanimous consent; if not, a short timeframe within which to debate that and vote. It is something that is bipartisan and Members have worked on for well more than a year.

We also have, of course, good news tonight. The mental health parity is being hot-lined tonight. I hope we can complete that tonight. That is legislation Senator DOMENICI and others have been pushing for a long time. I am not going to mention all the people who have been pushing it, but Senator DOMENICI has been talking about it a lot in recent days, and I appreciate his advocacy for that.

The big issue tomorrow is to see what we can do to complete the problems that everyone has read about dealing with the surveillance program that is going on to listen to these bad people who are trying to create problems in our country and around the world. We do not have that worked out yet. I have had a conversation with the distinguished Republican leader. Hopefully, we can have that set up so there is some way of disposing of that issue tomorrow.

Now, that is what we have left before we leave here. It is not an easy agenda, but it is one we can complete with a little cooperation from both sides.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2600 WITHDRAWN

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sanders amendment No. 2600 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2562

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2562, offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment simply has us do something we have already done. We passed, I believe, unanimously some provisions to help small businesses pay for the minimum wage increase. We all did that. The bill went over to the House of Representatives. You will recall they attached the minimum wage bill to the Iraq supplemental, and they dropped out these tax provisions.

This amendment simply reinstates the same tax provisions for small businesses in three areas: leasehold and restaurant depreciation, extending them from the end of this year through 2008; new restaurant construction, a 15-year depreciation period; owner-occupied retail, a 15-year depreciation period—all just through the end of the year 2008.

As to the first one, it has to be done this year because it expires at the end of this year. As I said, we adopted this. We checked the record. I think it was by unanimous consent. In any event, I believe it was unanimous. We already passed it.

Here is the irony. The underlying bill that the SCHIP bill has been attached to is that minimum wage bill. So to the argument that this is not the right bill, I would say, actually, this is not the right bill for SCHIP, but it is the right bill for this amendment. So I hope we can repeat what we have already done and adopt this small business relief.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this world is filled with irony. It is ironic, frankly, that we are here in this situation. But, essentially, first, I support what the Senator is trying to do. We reported this same provision out of the Finance Committee, as the Senator stated, at an earlier time as part of that small business-minimum wage package. It was then paid for.

I say to my friends and my colleagues that we will find a time to do this provision. It is part of the extenders package. Extenders are taken up at the end of the year. That is when we put them all together and find out what we want to do, not here on this legislation. It is not paid for. This costs $5 billion. I do not think it belongs on this bill. I, frankly, have to now raise a point of order.

Mr. President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I move to waive the applicable provisions under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—49

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bayh	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Kyl	Warner
Cornyn	Lott	
Craig	Lugar	

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2552

Mr. SMITH. Mr. President, I ask unanimous consent that the pending business be set aside, and I further ask to call up amendment No. 2552 and dispense with its reading.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH. Mr. President, may I read this before he objects? I wonder if my colleagues would indulge me.

Mr. President, this amendment is the outgrowth of a bill I introduced with Senator KOHL this year. As many of my colleagues know, Congress modified the Supplemental Security Income Program to include a 7-year time limit on receipt of benefits for disabled refugees and asylees. This policy was intended to balance a desire to have people who immigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete.

Unfortunately, the naturalization process often takes longer than 7 years. Applicants are required to live in the United States for a minimum of 5 years prior to applying for citizenship. In addition to that time period, their application process often can take 3 or more years before resolution. Because of this time delay, many individuals are trapped in the system and faced with the loss of their SSI benefits. In fact, we know that to date, more than 7,000 elderly and disabled refugees have lost their SSI benefits and another 16,000 are threatened to lose their benefits as well in the coming years.

Many of these individuals are elderly refugees who fled persecution or torture in their home countries. They include Jews fleeing religious persecution from the former Soviet Union, Iraqi Kurds fleeing from Saddam Hussein's regime, Cubans, and Hmong people from the highlands of Laos who served on the side of the U.S. military during the Vietnam war. They are elderly and unable to work and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process is unjust and inappropriate.

The Bush administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem, this injustice, by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit.

This legislation builds upon those efforts by allowing an additional 2 years of benefits for elderly and disabled refugees, asylees, and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past.

Additionally, benefits could be extended for a third year for those same refugees who are awaiting a decision on a pending naturalization application.

These policies are limited to 2010 and are completely offset in cost by a provision that will work to recapture Federal Government funds due to unemployment insurance fraud.

The offset that is provided was also taken from the President's own budget.

By reducing fraud in the unemployment insurance system, the provision would effectively reduce taxes on employers by $326 million over the next 10 years, according to the CBO estimate.

I thank my colleagues for listening. I hope for your support and ask that this amendment be accepted by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator KERRY be recognized now to offer a sense of the Senate, which will be agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2529 TO AMENDMENT NO. 2530

Mr. KERRY. Mr. President, this will be very brief. Senator SNOWE and I have joined together, as the chair and ranking member of the Small Business Committee, to put together a task force effort between the Secretary of Health and Human Services, Secretary of Labor, Secretary of the Treasury, and the Small Business Administrator to coordinate and assist in trying to effectively reach out to small businesses to help them be aware of how they can take advantage of the Children's Health Insurance Program.

This has been cleared on both sides. It doesn't cost any additional funds whatsoever. It simply is an effort to try to coordinate and implement this as effectively as possible. I ask for its adoption.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. SNOWE, proposes an amendment numbered 2529.

The amendment is as follows:

(Purpose: To establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children)

At the appropriate place, insert the following:

SEC. ____. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under subsection (b)(1); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2529) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator CARDIN be recognized for the purpose of offering an amendment that also has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 2567, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. CARDIN. Mr. President, I send to the desk the modification of amendment 2567.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Ms. MIKULSKI, Mr. BINGAMAN, and Ms. COLLINS, proposes an amendment numbered 2567, as modified.

Mr. CARDIN. 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 improve the provisions relating to dental health)

Strike section 608 and insert the following:

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

''(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

''(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

''(1) a detailed description of—

''(A) the dental services (if any) covered under the State child health plan; and

''(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

''(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

''(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

''(4) an assurance that the State shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

''(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

''(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

''(2) information regarding the assessments required of States under subsection (b)(4).

''(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.''.

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting ''dental care,'' after ''preventive health services,''.

Mr. CARDIN. Mr. President, I thank Senator BAUCUS and Senator GRASSLEY who helped on this amendment. It has been cleared. It deals with the dental, or oral, health care in the underlying bill. The bill provides for $200 million to help States expand dental care within the Children's Health Insurance Program.

This amendment adds additional provisions that would require the States to describe these benefits as they do other benefits and how they would improve the benefits to our children. It expands Web information so individuals will have a better understanding as to what providers are available for dental care in their community. It has certain studies as to the status of dental health care and oral health care for our children.

Again, I thank the leadership of the committee for their help. I also offer this amendment on behalf of Senators MIKULSKI, BINGAMAN, and COLLINS. I thank them for their help in putting this amendment together.

Mr. BAUCUS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 2567) was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, with the exception of the DeMint amendment No. 2577; that no further amendments be in order, except a managers' amendment which has been cleared by the

managers and the leaders; that upon disposition of the DeMint amendment and the managers' package, Senator DOLE be recognized for 5 minutes to make a budget point of order against the substitute amendment; that once the point of order has been raised, Senator BAUCUS be recognized to move to waive the applicable point of order; that upon disposition of waiver, if waived, then the substitute amendment, as amended, be agreed to, the bill, as amended, be read the third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is pretty clear we have one more vote that I am aware of before final passage. There will be a little bit of intervening business that should not take much time. So we are about done.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577

Mr. DEMINT. Mr. President, as I have talked about this amendment today, I have been surprised that several colleagues were not aware that Americans are not allowed to buy health insurance, except in the State where they live. Americans can buy anything from all over our country. Yet they are limited to where they can buy health insurance.

One way we can lower the cost of health insurance and create more choices for all Americans is to allow each and every American the opportunity to buy a health insurance policy in any State where those policies are certified. Some will say this is a race to the bottom. But I ask those critics, which State does not have the regulations that you approve of? Every State legislature has a set of regulations they have approved. So these products would be safe, but they create more choice.

I encourage my colleagues to support this amendment that would allow Americans to buy health insurance all over the country, to help create a national market and make health insurance more affordable for every American.

Mr. BAUCUS. Mr. President, this amendment effectively eliminates State insurance protections. The States with the least regulation would become the home of private health insurers who sit back and watch a race to the bottom. States would be inclined to—and encouraged to—pass regulations that are very weak, and that would mean the insurer could qualify in that State and then market anyplace else in the country. It is totally opposed to the current system, where each State has its own insurance regulations. One can argue whether that is a good system, but that is what it is.

We should not, at this point, adopt this amendment, which has the effect of appealing the current structure and allowing a race to the bottom in health insurance coverage.

Mr. DEMINT. Will the Senator yield?

Mr. BAUCUS. Yes.

Mr. DEMINT. We don't change any of the State regulations. We only allow the people not to be regulated anymore. They get to buy insurance wherever they want to buy it. But regulations in the States don't change.

Mr. BAUCUS. Mr. President, the Senator made my point. It is a race to the bottom. I urge rejection of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—37

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Dole	McConnell
Brownback	Domenici	Sessions
Bunning	Ensign	Shelby
Burr	Enzi	Stevens
Chambliss	Graham	Sununu
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Coleman	Isakson	Voinovich
Corker	Kyl	
Cornyn	Lott	

NAYS—62

Akaka	Grassley	Nelson (FL)
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inhofe	Reed
Bond	Inouye	Reid
Boxer	Kennedy	Roberts
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	

NOT VOTING—1

Johnson

The amendment (No. 2577) was rejected.

Mr. BAUCUS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2645 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I send a managers' technical amendment 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 Montana [Mr. BAUCUS] proposes an amendment numbered 2645 to amendment No. 2530.

Mr. BAUCUS. 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:

On page 22, lines 3 and 4, strike ''paragraph'' and insert ''subsection''.

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert ''clause (ii) or (iii) of'' after ''under''.

On page 74, lines 15 and 16, strike ''13–consecutive week period'' and insert ''3–month period''.

On page 118, strike lines 17 through 21.

Page 120, line 5, strike ''section 1902(a)(46)(B)(ii)'' and insert ''subsection (a)(46)(B)(ii)''.

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike ''PREVIOUSLY APPROVED PREMIUM ASSISTANCE'' and insert ''PREMIUM ASSISTANCE WAIVER''.

On page 150, beginning on line 3, strike ''issued'' and all that follows through line 9 and insert ''developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).''.

On page 151, line 14, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 157, line 1, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or

a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

On page 205, line 11, strike ''2112(b)(2)(A)(i)'' and insert ''2111(b)(2)(B)(i)''.

Mr. BAUCUS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2645) was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, this bill seeks revenues for the very laudable State Children's Health Insurance Program by unfairly taxing tobacco products. I urge my colleagues to acknowledge the reality that this tax increase is an irresponsible and fiscally unsound policy.

Tobacco sales have been declining 2 to 3 percent per year and are expected to be slashed by another 6 percent if the Federal excise tax is increased. But in order for this tax increase trick to work, more than 22 million additional Americans will need to take up smoking to keep the SCHIP program running over the next decade.

In addition, according to the Tax Foundation, no other Federal tax hurts the poor more than the cigarette tax. Of the 20 percent of the adult population who smoke, around half are in families earning less than 200 percent of the Federal poverty level. In other words, many of the families SCHIP is meant to help will be disproportionately hit by the Senate's proposed tax hike.

I oppose this tax hike plan not only because it is fiscally unsound but also because it unfairly hurts the economy of my home State of North Carolina. A massive and highly regressive tax increase on an already unstable product is an irresponsible way to fund such an important program.

Mr. President, section 203 of the fiscal year 2008 budget resolution makes it out of order for the Senate to consider legislation that increases the deficit by more than $5 billion in any of the four 10-year periods starting in fiscal year 2018 through 2057. The pending substitute amendment would increase the long-term net deficit in excess of $5 billion. I, therefore, raise a point of order under section 203 of S. Con. Res. 21 against the pending substitute amendment. This legislation clearly violates the Budget Act.

I yield the floor.

Mr. BAUCUS. Mr. President, I very much appreciate the words of the Senator from North Carolina. I know she means well, and is fighting very hard for her State. But pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—67

Akaka	Feingold	Nelson (NE)
Alexander	Feinstein	Obama
Baucus	Grassley	Pryor
Bayh	Harkin	Reed
Biden	Hatch	Reid
Bingaman	Inouye	Roberts
Bond	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Smith
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Stevens
Coleman	Lincoln	Sununu
Collins	Lugar	Tester
Conrad	McCaskill	Warner
Corker	Menendez	Webb
Dodd	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NAYS—32

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Brownback	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Graham	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Cornyn	Inhofe	Voinovich
Craig	Isakson	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

SCHOOL-BASED HEALTH CENTERS

Ms. STABENOW. Mr. President, I rise to engage the distinguished Finance Committee chairman in a colloquy.

Mr. BAUCUS. I would be happy to have a colloquy with the distinguished Senator.

Ms. STABENOW. I want to express my appreciation for the chairman's efforts, and those of Ranking Member GRASSLEY, in working to ensure the health and well-being of our Nation's children.

As the chairman knows, more than 1,700 schools offer on-site, comprehensive well care, illness-related care, and dental care to nearly 2 million students from rural, suburban, urban, and Native American communities where access to such care is limited or nonexistent. A recent article in the March issue of Health Affairs discusses the role of school-based health centers as

an effective means of helping children get the care they need.

I was prepared to offer an amendment to the pending Children's Health Insurance Program bill that would ensure that school-based health centers are recognized as a provider under both Medicaid and the Children's Health Insurance Program. While the vast majority of these centers receive Medicaid reimbursement, only one in four receives reimbursement under the Children's Health Insurance Program for the providing the exact same quality services that a child might receive at another provider.

After discussing this with the chairman, we noted that my amendment is included in section 121 of the House version of the Children's Health Insurance Program reauthorization bill. Therefore, to finish the Senate reauthorization as quickly as possible, I am prepared to not offer my amendment. But before I do that, I wanted to ask the chairman if he would support the House provision recognizing school-based health centers in conference?

Mr. BAUCUS. I first thank the Senator from Michigan for her leadership on the Healthy Schools Act and school-based health centers. I, too, recognize the importance of school-based health centers. Clearly, efforts must be made to ensure that not only children have coverage but also access to health care providers. I support this amendment and will work with my colleague to address this issue in conference.

Ms. STABENOW. I thank the chairman for his support and assurance. I will not offer my amendment.

DIABETES

Mr. DOMENICI. Mr. President, I want to begin by complimenting the chairman, the Senator from Montana, Mr. BAUCUS, and the ranking member, the Senator from Iowa, Mr. GRASSLEY, for all their work on this Children's Health Insurance Program. You have taken a very difficult and contentious issue and produced legislation that will help many families. You should be congratulated.

I would like to raise the issue of diabetes as part of the reauthorization of the State Children's Health Insurance Program. I have offered an amendment along with my colleague Senator DORGAN, which would reauthorize the Special Diabetes Program for Indians and the Special Funding Program for type 1 diabetes research. This amendment is identical to the language in S. 1494, which I also introduced with Senator DORGAN.

Diabetes is one of the most serious and devastating health problems of our time. Although diabetes occurs in people of all ethnicities, the diabetes epidemic is particularly acute in our Native American populations. That is why during the negotiations on the 1997 Balanced Budget Act, the same bill that created this SCHIP program, I helped craft an agreement to finance diabetes programs of the Indian Health Service and help raise the profile of tribal health programs. The Special Diabetes Program for Indians began with funding of $30 million annually for 5 years and was later expanded to $150 million a year. This funding has been used widely in Indian country, including among the Navajo Nation and the 19 Pueblos in New Mexico.

These programs are set to expire in 2008, and I believe they need to be a priority in this Congress.

Mr. BAUCUS. I want to thank the Senators from New Mexico and North Dakota for their leadership on this important issue. I have worked hard in previous Congresses to support this program and helped shepherd its last reauthorization as part of the 107th Congress. It is important that we work together to make sure our Native American and rural communities have the resources they need to provide treatment and prevention programs. It is important to support research to work to find a cure for this disease. Although we were not able to include this provision in the bill that is before us on the floor, I am aware that these critical programs expire in 2008; and that the reauthorization of these programs is a priority for the Finance Committee.

Mr. GRASSLEY. I would also like to thank my colleagues for their leadership on this issue. I share your concern with the diabetes epidemic in the United States and especially the effect it is having on our Native American communities. I support the reauthorization of the Special Diabetes Program for Indians and also the reauthorization of the Special Funding Program for type I diabetes research. The prevention and treatment of diabetes has improved greatly over the past decade. These programs have clearly played a major role in these improvements. I also look forward to working with my colleagues to reauthorize these programs during this Congress.

Mr. HATCH. I would also like to speak in support of the reauthorization of the Special Diabetes Program for Indians and the Special Funding Program for type I diabetes research. My record as an advocate for diabetes research and treatment programs is well documented. I have helped to lead the efforts in past years to reauthorize these programs and I look forward to working with my colleagues to make the reauthorization of these programs a priority for the Finance Committee this Congress.

Mr. DOMENICI. I want to thank the Senators for their time. With that I will withdraw my amendment and I ask the chair that my amendment No. 2629 be withdrawn.

AMENDMENT NO. 2535

Mr. SPECTER. Mr. President. I voted against the Allard Amendment for the following reasons.

This amendment sought to codify in law the treatment of unborn children, therefore establishing the fetus as protected separately from the mother. Under the current bill, SCHIP States may treat pregnant mothers. In 2002, the Bush administration issued a regulation that gave States the option of extending SCHIP coverage to unborn children without a waiver.

While I support the waiver policy in the pending legislation, this amendment is an effort to advance a political cause rather than provide a medical necessity because pregnant women are now covered. Under current law, there is ample ground for coverage during pregnancy. In fact, the Senate bill allows States to provide coverage for pregnant women without denominating them as unborn children to advance a political cause.

While the amendment failed by a vote of 49 to 50, there is no practical effect in terms of health care coverage for pregnant women.

AMENDMENT NO. 2557

Mr. BYRD. Mr. President, while I opposed the Specter amendment, I do believe that the alternative minimum tax needs to be reformed. In the coming months, I hope to support efforts to do away with the inequities of the alternative minimum tax that unfairly burden West Virginians.

AMENDMENT NO. 2621

Mr. DURBIN. Mr. President, today the Senate adopted a resolution expressing the sense of the Senate that small business owners should have some help when it comes to providing health insurance for their employees. I am an original cosponsor of the resolution adopted by amendment and strongly support its goals.

The current health insurance system is simply not working for small employers and the self-employed. Employees of small businesses are much more likely to be uninsured than employees of large businesses. They are charged higher premiums for similar coverage. Their premiums can increase dramatically from year to year when a fellow employee gets sick. And employees rarely have a choice when it comes to their health plan.

Over the past several months, I have sought out the opinions of people with a variety of viewpoints, which has resulted in constructive dialogue on how Congress can respond to these challenges. We are making progress. I think a workable compromise can be found.

There is general agreement on what we want to accomplish. We need to create opportunities for small businesses to group together in a large pool. We need to ensure there are choices in private health plans that employees can choose from. And some form of subsidies will be needed to make health coverage more affordable.

We know what we need to put in place, and we are working on how to reach these goals. The resolution demonstrates the Senate's commitment to finding a consensus this year. We won't end up with a Democratic bill, and we won't end up with a Republican bill. It will have to be a bipartisan bill.

We need to work together, take the best ideas that are offered, and develop

a proposal that has bipartisan support. That is the only way this Congress can address the need to help small business manage rising health care costs, while making health care coverage available for their employees.

Mr. McCAIN. Mr. President, I am pleased that the Senate is debating the reauthorization of the State Children's Health Insurance Program, SCHIP. This is a vital safety net program that offers health care coverage to one of our most vulnerable populations, low-income children. I support a timely, fiscally responsible reauthorization of this program.

The SCHIP program has served a critical purpose for many years. In 1997, Congress created SCHIP to come to the aid of the millions of children who were going without health insurance because their families were stuck between earning too much money to qualify for Medicaid and not having enough money to purchase private health care coverage. I was pleased to join many of my colleagues in supporting its establishment. Thanks to this program, low-income children have been able to count on a safety net program that can provide them with health care coverage that they might otherwise go without.

I strongly support the central purpose of SCHIP and believe that children of low-income families should have health insurance coverage. In some ways, this program has been a great success, as we have been able to drop the rate of uninsured children by nearly 25 percent from 1996 to 2005 and SCHIP covered about 6.6 million children last year. At the same time, however, I am greatly concerned that the program has expanded beyond what Congress first intended. In some cases, SCHIP coverage has been extended to middle-income children and to certain adult populations. I don't believe that was the intention of Congress when we created this program. This has complicated SCHIP reauthorization, and I believe that if we allow SCHIP to grow beyond its original purpose, SCHIP spending will grow exponentially and jeopardize its future success.

Several options have been proposed to reauthorize the SCHIP program. One, the CHIP Reauthorization Act, which was reported by the Finance Committee, would greatly expand SCHIP beyond its original framework, lead to an explosion in new spending, and reduce private health coverage in our country. The other, the Kids First Act, which I support, would keep SCHIP's focus on providing low-income children with health insurance in a fiscally responsible manner.

I am concerned over the direction that the CHIP Reauthorization Act would take SCHIP and the precedent it would set for future authorization bills. The current SCHIP baseline is currently $25 billion; however, under the Finance Committee's proposal, spending would explode by an additional $35 billion and will end up costing $60 billion over 5 years. Not only that, according to CBO, at the end of 5 years, in order to comply with pay-go rules, this bill reduces the SCHIP allotment in the fifth year 2013 from $8.4 billion to $600 million. If there is anyone who seriously believes Congress will cut SCHIP funding by $8 billion in 1 year and cause millions who would then rely on SCHIP to lose coverage, I have got some beachfront property in Yuma, AZ, that I am willing to sell.

The CBO report also points out that if the costs of the program continue to grow according to enrollment projections, the total cost of the program over the fiscal year 2008–2017 period would be $112 billion. Even the massive tobacco tax increase included in the bill, which would raise about $71 billion from fiscal year 2008–2017, can't cover that cost. I am not sure where the extra money will come from to cover the cost of the bill, and it is unfair that we leave this for a future Congress to figure out how to cover our overspending. In other words, let's put a halt to business as usual.

The CHIP bill also represents a change in the mission of SCHIP by further eroding private health coverage of children. With expanded eligibility for SCHIP, we are likely to see families who already have private coverage drop that coverage and opt for a Government-run, Government-subsidized program. CBO estimates that, among newly eligible populations covered under this bill, each additionally enrolled individual in SCHIP will be matched by one individual leaving private coverage. We will be spending billions and billions of dollars providing coverage for children who already have coverage, and I believe this is a dangerous step toward Government-run health care insurance.

Instead, Congress should remember the central mission of SCHIP and focus the program reauthorization on providing low-income children with health insurance coverage if they don't otherwise have it. Several of my colleagues offered the Kids First Act as a substitute amendment to the CHIP bill. It would reauthorize SCHIP, provide an increase in funding, and avoid a costly regressive tax increase. This bill would ensure that SCHIP mission remains covering low-income children and will focus efforts on enrolling children who are already eligible for SCHIP and Medicaid but are not currently enrolled. It also recognizes that millions of children receive private health coverage and would improve current laws that allow States to offer premium assistance for coverage through private plans. Additionally, the Kids First Act also includes small business health plan reforms. Unfortunately, the Kids First Act failed after it was offered as an amendment during debate earlier this week.

At this time, I cannot support the CHIP Reauthorization Act. While I applaud the sponsors efforts to reauthorize SCHIP, I believe that bill differs drastically from the original intention of the SCHIP law and is fiscally irresponsible. I support the ideas contained in the alternative bill, the Kids First Act, which I believe would keep SCHIP focused on providing health insurance coverage to low-income children and would do so without dramatic increases in Federal spending or higher taxes on Americans.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act.

According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997. The administration's opposition to this legislation is a vital mistake that threatens the health and well being of our Nation's children. This program is not partisan and debate on this issue should not be ideological. We simply want children to have access to health care. Making investments in the health care of children will help ensure that they grow up into healthy adults. In order to learn and lead active and healthy lives, children must have access to health care.

As of June 2007, 17,512 children were enrolled in Hawaii's Children's Health Insurance Program. An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children who do not have health insurance. I am proud that my home State, Hawaii, has continued to develop innovative solutions to help increase access to health care. This year, Hawaii enacted legislation establishing the Keiki Care Program. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

Now is not the time to cut Federal resources provided to States to provide health care for children. The legislation currently before the Senate will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 3.2 million children.

The Children's Health Insurance Program Reauthorization Act must be enacted. This administration's opposition to this program is shortsighted and threatens the well-being of our Nation's children.

Mr. LIEBERMAN. Mr. President, I rise today to offer my support to not only the reauthorization of the Children's Health Insurance Program, or CHIP, but also to the expansion of this successful program.

CHIP was created a decade ago on a bipartisan basis with the support of a Democratic President and a Republican Congress. Members of both sides of the aisle came together to address the problem of uninsured children across this country. In 1997, over 22 percent uninsured low-income children were uninsured. In 2005, that percentage had

decreased to less than 15 percent. It is clear that CHIP has significantly lowered the percentage of low-income children that are uninsured. Overall, CHIP has led to a one-third reduction in the percentage of low-income uninsured children in America.

CHIP covers a total of 6 million children today, and research shows us that these children are doing better than those without insurance. CHIP kids are more likely to have seen a physician, and to have had a well-child visit than uninsured children. They are more likely to receive hospital care and prescription medications for their health conditions. Most importantly, CHIP kids have better health and academic outcomes, such as improved care for asthma; declines in infant mortality, childhood deaths, and low-birth weight; and improved academic performance. These facts make it clear that our bottom line should not be dollar amounts, but the health and success of our children, and it is clear that children enrolled in CHIP are healthier and doing better in the classroom. I see no greater reason than that to expand this successful program.

CHIP is a national success story that we should all take pride in. Unfortunately, it is one the few success stories that we have to report in health care over the last decade. Health care costs are rising at ever increasing rates, employer sponsored coverage is decreasing, the numbers of uninsured is rising, health care quality is not where it should be given the amount we spend on health care, and patients are not involved enough in their own care.

As families, businesses, and providers confront these realities, Washington is in a deadlock about how to solve one of our most daunting domestic challenges. CHIP, however, offers this Congress another opportunity to reduce the number of uninsured children in this country now. Just as importantly, we have an opportunity to also make an investment in our future by improving the health status of our Nation's children. It is imperative to our Nation's future health security to provide these children with the coverage they need to be healthy and productive for years to come.

I know that members of both parties want to cover uninsured children in their States and across the country. Members of both parties want CHIP to function as efficiently as possible and to reach those most in need. Members of both parties want to provide States with flexibility to address their States' unique concerns. Now, we are all faced with a new challenge—to cover the 9 million children that remain uninsured across America, 6 million of whom are eligible for Medicaid or CHIP. This challenge brought a core group of Senators from the Finance Committee together around these common goals, which they used as a foundation for reauthorizing and expanding this successful program to move towards covering all of the 9 million uninsured children that remain in this Nation.

Both sides worked tirelessly together and compromised so that the legislation we are now considering could be brought to the Senate floor and so that we could move towards bringing health security to more of America's uninsured children. If enacted, this legislation would provide coverage to over 3 million more children, again reducing the number of uninsured children by one-third. States would receive new funding for reaching out to eligible children and enrolling them. States will also receive funding based on their spending projections, thereby reducing the likelihood of budget shortfalls as we have seen increasingly in recent years. States will receive incentives to lower the rates of uninsured children in their State. Lastly, States will continue to have the flexibility to design programs that meet their unique needs. In Connecticut, children up to 300 percent of the Federal poverty level are eligible for CHIP and this legislation would allow my State to continue to build on its success and enroll even more children into this successful program. This legislation also establishes a new framework for improving quality, which should be a priority as we consider ways of containing health care costs, by creating a quality initiative to develop, implement, collect measurement data on quality of care.

I know there are some in the Senate that are opposed to this legislation and to the expansion of this program. This week they have spoken extensively on their proposals for health care reform and their willingness to move forward on that larger issue. However, while we wait to reform the health care system in this partisan environment, children in this country are living without access to health care. We have a moral obligation to care for these children and give them the best chance to succeed in school, and at life, by keeping them healthy. There are others that say the program should be expanded even more significantly. While I agree with this latter sentiment, the nature of the work of this body is bipartisan. To progress, we each may have to give something up to our colleagues. I urge them to continue on this course and support this legislation.

The legislation before this Senate body is the product of months of bipartisan negotiation, compromise, and a shared vision and goal across both parties. CHIP reauthorization should be an example to all in this Chamber of what can be accomplished when we put partisanship aside and focus on what we have in common.

Most of all, I urge the President to not veto CHIP reauthorization if a bill were to reach his desk. It would signal a colossal missed opportunity to provide health security to those that are most vulnerable in our Nation.

Mr. ENZI. Mr. President, I rise today to speak about the State Children's Health Insurance Program, or what folks on Capitol Hill are calling S–CHIP.

SCHIP was created by a Republican Congress in 1997 to help low income kids get health insurance. The goal of the program is to help kids that don't qualify for Medicaid, but also can't afford to get health insurance on their own, receive the care they need. This program expires on September 30, 2007, and I am here today to speak about how important it is to reauthorize this critical program in a way that protects private health insurance and keeps kids healthy.

I would like to speak for a few minutes about the how the program works today and how the proposals the Senate is discussing will change what currently happens.

Currently States have three options: they can enroll kids in Medicaid, create a new separate program, or devise a combination of both approaches. SCHIP is financed jointly by the Federal Government and the States, and States receive a higher percentage of Federal money for their SCHIP beneficiaries than they do for their Medicaid beneficiaries. This was originally designed to encourage States to create SCHIP programs. States have 3 years to spend their SCHIP allotments. Funds that aren't spent within 3 years are usually redistributed to States that have spent their allotment and need additional money.

When the Republican-led Congress enacted SCHIP in 1997, the program authorized $40 billion for 10 years. I will come back to this point in a bit, but the underlying bill before us today authorizes $60 billion over 5 years—the baseline spending is $25 billion over 5 years and this bill authorizes an additional $35 billion over 5 years. The budget resolution contained a deficit neutral reserve fund to spend $50 billion over 5 years in addition to the $25 billion in the baseline, so a total in the budget resolution is $75 billion over 5 years. This is a lot of money and Congress needs to ensure the money is being used to pay for health insurance for kids that don't currently have health insurance.

The nonpartisan Congressional Budget Office estimates that Senator BAUCUS' bill will reduce private coverage—that is kids will move from private health insurance to taxpayer-funded public health insurance. This is a highly inefficient policy—especially given how bureaucratic some State programs are structured. This is not an efficient use of the taxpayer's money.

Part of the reason why the crowd out effect is so great under the Finance bill is because the bill allows States to expand coverage to kids up to 400 percent of the Federal poverty level—which by the way translates to an annual income of $82,000 for a family of four. The higher the income expansion, the greater the crowd out effect. This is simple economics.

Now I would be remiss if I didn't mention what a great job my home state of Wyoming is doing in administering SCHIP. Wyoming first implemented its SCHIP program, Kid Care

CHIP, in 1999 and in 2003, Wyoming formed a public-private partnership with Blue Cross Blue Shield of Wyoming and Delta Dental of Wyoming to provide the health, vision, and dental benefits to nearly 6,000 kids in Wyoming. These partnerships have made Kid Care CHIP a very successful program in Wyoming. All children enrolled in the program receive a wide range of benefits including inpatient and outpatient hospital services, lab and x-ray services, prescription drugs, mental health and substance abuse services, durable medical equipment, physical therapy, and dental and vision services. Families share in the cost of their children's health care by paying copayments for a portion of the care provided. These copays are capped at $200 a year per family.

Wyoming is also engaged in an outreach campaign targeted at finding and enrolling the additional 6,000 kids that are eligible for Kid Care CHIP but aren't enrolled.

As Congress works to finalize a bill to reauthorize this program, it is essential that we focus on the kids first. Some states SCHIP programs cover parents of kids that are on SCHIP and some States even cover childless adults. Adults without health insurance are a problem in this country, but not a problem this program was originally intended to address. I think there are responsible, market-based things Congress can do to help more American adults get health insurance, but this bill, the State Children's Health Insurance Program, should focus on the C for Children.

Not only does this bill need to focus on kids, we need to focus on low income kids. In July 2005, Wyoming's Kid Care CHIP began covering kids up to 200 percent of the Federal poverty level—those with family incomes below $42,000. The median family income in the United States is about $46,000, so the Wyoming benefit is very generous. Some of my colleagues are advocating for expanding SCHIP to cover kids and adults at 400 percent of the Federal poverty level. That means families making as much as $82,000 a year would have their kid's health insurance paid for by the government. Again, this is an inefficient use of taxpayer dollars. Why should the government provide health care for kids that come from families making $82,000 a year? I'll tell you why my colleagues are advocating for it—they see this as the first step toward government-run health care. They want the U.S. to be more like Canada and Great Britain. They want to take the private sector out of health care. They want to put the government in the exam room and tell you what doctors you can see and when you can see them and what drugs they can prescribe for you. I don't believe in this. Not only do I not believe in this, I think this goes against all the principles upon which this country was founded.

Now I do agree that our health care system is breaking down, and in fact I don't think we have a health care system, I think we have a sick care system. That is why, earlier this month, I introduced ''Ten Steps to Transform Health Care in America,'' a bold and comprehensive solution that addresses our health care crisis by building on market based ideas to expand access to health insurance for all Americans. I would like to take just a little bit of time to discuss each of Ten Steps.

The first of the Ten Steps is eliminating unfair tax treatment of health insurance, expanding choices and coverage and giving all Americans more control over their own health care. The Joint Committee on Taxation estimated that removing this tax bias and a few related health care tax policies will save the Federal Government $3.6 trillion over the next ten years. That is a lot of money that can and should be used to expand choices and access and give individuals more control over their health care. Ten Steps ensures every American can benefit from this savings—whether they get their health care from their employer, from the individual insurance market, or they decide they want to get off Medicaid and switch to private insurance. Everyone should be treated equally.

The second step of Ten Steps would increase affordable options for working families to purchase health insurance through a standard tax deduction. The national, above-the-line standard deduction for health insurance will equal $15,000 for a family and $7,500 for an individual.

The third step of Ten Steps is what makes this a hybrid approach—I couple the standard deduction with a refundable, advanceable, assignable tax-based subsidy. The tax subsidy is equal to $5,000 for a family, $2,500 for an individual. The full subsidy amount is available to individuals at or below 100 percent of the Federal poverty level, FPL, which is $20,650 for a family of four. The subsidy is phased out as an individual's salary increases, with individuals at 200 percent receiving half of the subsidy and individuals at 301 percent receiving the standard deduction instead of the subsidy.

The fourth key step for health care reform is to provide market-based pooling to reduce growing health care costs and increase access for small businesses, unions, other kinds of organizations, and their workers, members, and families. Those of you who know me well recognize how central this would be to any health care reform proposal of mine.

The fifth step blends the individual and group market to extend important HIPAA portability protections to the individual market so that insurance security can better move with you from job to job.

The sixth step emphasizes preventive benefits and helps individuals with chronic diseases better manage their health. America should have health care, not sick care. Prevention. Prevention. Prevention. This step is modeled after a very successful program in Wyoming. In 2005, Wyoming EqualityCare, our Medicaid Program, began providing one-on-one case management for Medicaid participants with a chronic illness, such as diabetes, asthma, depression, and heart disease, to encourage better self-management of these conditions. The program provides educational information on self-management as well as a nurse health coach that follows up with each patient to ensure they have what they need to take care of themselves.

The seventh step gives individuals the choice to convert the value of their Medicaid and SCHIP program benefits into private health insurance, putting them in control of their health care, not the Federal Government. This is very pertinent to the underlying bill we are discussing today. The rationale for this step is simple. If the market can provide better coverage at a lower price, then why not allow Americans to access that care? This gives low-income individuals more options about where they receive their care and what care is available to them. It is time for people to start making decisions about their care—let's get the government out of the doctor's office.

The eighth step in Ten Steps is a bipartisan proposal which the HELP Committee approved last month—the Wired for Health Care Quality Act. This bill will encourage the adoption of cutting-edge-information technologies in health care to improve patient care, reduce medical errors and cut health care costs. Some of the most serious challenges facing healthcare today—medical errors, inconsistent quality, and rising costs—can be addressed through the effective application of available health information technology linking all elements of the health care system.

The ninth step of Ten Steps helps future providers and nurses pay for their education while encouraging them to serve in areas with great need. The ninth step also ensures appropriate development of rural health systems and access to care for residents of rural areas and gives seniors more options to receive care in their homes and communities.

The final step decreases the skyrocketing costs of health care by restoring reliability in our medical justice system through State-based solutions.

I realize that I have talked for quite a bit about Ten Steps to Transform Health Care in America and that, the underlying legislation is the reauthorization of the State Children's Health Insurance Program. I believe it is important to think bigger than just one program and think about the health care system as a whole. I have spoken a few times on the Senate floor about what I call the 80/20 rule. I always believe that we can agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on that 80 percent we can do great things for the

American people. I believe that if we work together on these proposals we can find that 80 percent. I would like to work with my colleagues on that 80 percent. I want action—real action to provide real coverage for Americans. I support reauthorizing this program in a way that protects private health insurance and keeps kids healthy. I also support looking beyond this single program at reforming the entire health care system.

Mr. LEVIN. Mr. President, I am proud that we have produced a bipartisan bill to continue to provide health care insurance to children of low-income parents. The Children's Health Insurance Program, which we created 10 years ago, has been a great success, but it is set to expire on September 30. This bill to reauthorize and expand the program deserves our strong support.

I urge the President to approve the bipartisan compromise my colleagues worked so hard to achieve and not to carry out his threat to veto a bill, a veto which could result in denying health care coverage to many uninsured children from working families.

The Balanced Budget Act of 1997 created a children's health insurance program under title XXI of the Social Security Act. This program allows states to insure children whose families are above Medicaid eligibility levels through block grants, and it allowed states flexibility in designing how CHIP would be implemented.

Since 1997, CHIP has received about $40 billion in appropriations and has been widely successful. Currently, 6.6 million children are enrolled in CHIP. Seventy percent of those children came from families with incomes below 150 percent of the poverty level, and more than 90 percent were from families with incomes below 200 percent of the poverty level.

CHIP coverage leads to better access to preventative and primary care services, better quality of care, better health outcomes and improved performance in school. Some experts estimate that families with insured children are five times less likely to delay health care because of costs than families with uninsured children. Michigan has had particularly impressive results from CHIP and currently has the second lowest rate of uninsured children in the nation.

Although CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children.

With CHIP set to expire this year, the path we need to take is clear we need to reauthorize and to also expand CHIP.

This bill before us was reported by the Senate Finance Committee with a bipartisan majority of 17–4. It will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007 would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need. This plan would increase outreach and enrollment for uninsured low-income children of the working poor, enhance premium assistance options for low-income families, and improve the quality of health care for our Nation's children.

This reauthorization would also provide $200 million in grants for states to improve access to dental coverage; require that states providing mental health services provide those services on par with medical and surgical benefits under CHIP; and allow states to use information from food stamp programs to find and enroll eligible children. This bill would also help to reduce racial and ethnic health care disparities by improving outreach to minority populations and provide new funding for state translation and interpretation services.

The additional $35 billion in funding is expected to reach an estimated 3.2 million additional uninsured American children from low-income families. Up to 50,000 more Michigan children would be covered over the next 5 years.

There are two aspects of the bill that are disappointing. The current CHIP program allows for flexibility at the State-level in how the program is implemented. The administration has encouraged this flexibility by approving waivers to some States that would allow them to cover services to other needy populations after ensuring that it is not at the expense of enrolling eligible children into CHIP.

Michigan has had a waiver that allows it to cover adults who make less than $3,500 a year—adults who are the ''poorest of the poor.'' But under the bill we passed today, some of these waivers will be phased out

The second disappointment is that this bill does not go as far as we could have to fund and expand CHIP. In the fiscal year 2008 budget resolution, the Senate included an increase of $50 billion for CHIP. However, the bill, as a result of compromises made, provides $35 billion.

I voted for an amendment offered by Senator KERRY that would have provided the additional $15 billion that would have taken us back to $50 billion. With this additional funding, the Kerry amendment would have provided more incentives to increase the enrollment of uninsured children. Unfortunately, this amendment was not agreed to.

On balance, however, this is a strong bill. President Bush's approach would be far worse. The President wants to add only $5 billion over 5 years, which many believe will not even sustain the current levels of coverage and certainly would not help the millions of children still living without health insurance.

President Bush has threatened to veto the Senate's CHIP reauthorization bill, but I hope the Senate's action today will send a strong message to the President that this program has broad bipartisan support.

Here are just a few examples of the way in which CHIP fills a need. A courageous and hardworking mother from Royal Oak, MI, wrote:

> As a single working mother, I could not afford the family insurance that my employer offered, and definitely could not afford private pay. Without this insurance I do not know what I would have done. [SCHIP] offered us options, doctors instead of emergency rooms, less time missed at work and school. Please continue and increase funding for this valuable program. Thank you.

A registered nurse from Berkley, MI wrote:

> I work in Detroit with impoverished, uninsured and underinsured adolescents and the SCHIP program has helped tremendously in getting them the health care they so desperately need.

And a registered nurse from Pleasant Ridge, MI, wrote:

> It is an imperative to continue to support, and expand, health care services to children. These services are the building blocks of personal health leading to healthy, active adults. Health promotion and disease prevention programs have been shown to save significant healthcare dollars later in life by assuring that each individual grows and develops to their fullest potential. Healthy children become healthy adults who then support the growth of communities and the economy.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Ms. COLLINS. Mr. President, one of the first bills that I sponsored when I came to the Senate 10 years ago was the legislation that established the State Child Health Insurance Program—or SCHIP—which provides health care coverage for children of low-income working parents who cannot afford health insurance yet make too much money to qualify for Medicaid.

Since 1997, SCHIP has contributed to a one-third decline in the uninsured rate of low-income children. Today, over 6 million children—including 14,500 in Maine—receive health care coverage from this remarkably effective health care program.

According to a recent assessment by the nonpartisan Center for Children and Families at Georgetown University, ''While the coverage news for the nation is generally bleak, the story for

children's health coverage stands apart. Of all the health reform efforts, covering children has been resoundingly successful. Since its creation, SCHIP has partnered with Medicaid to help ensure that children have the health care that they need.''

Still, there is more that we can do. While Maine ranks among the top 4 States in the Nation in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for SCHIP, which has done so much to help low-income American families to obtain the health care that they need, is about to expire. As the cochair with Senator ROCKEFELLER of the nonpartisan Alliance for Health Reform, I have long been concerned about the need to extend the SCHIP program in order to renew our commitment to meeting the health care needs of children in our Nation's low-income working families.

That is why I am pleased to support this legislation to extend and strengthen this important program. This bipartisan bill increases funding for SCHIP by $35 billion over the next 5 years, a level which is sufficient to maintain coverage for all 6.6 million children currently enrolled, and also allows the program to expand to cover an additional 3.3 million low-income children.

The legislation the Senate is currently debating also improves SCHIP in a number of important ways. I am particularly pleased that the bill includes a requirement for States that offer mental health services through their SCHIP program to provide coverage that is equivalent in scope to benefits for other physician and health services. Treating behavioral and emotional problems and mental illness while children are young is critical to preventing more serious problems later on.

Despite the demonstrated need, children's dental coverage offered by States isn't always all that it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children. I am, therefore, cosponsoring amendments with Senators SNOWE, BINGAMAN, CARDIN, and MIKULSKI to strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services that they need to prevent disease and promote oral health. I am hopeful that these amendments will be included in the final package.

In recognition of the fact that good health begins before birth, the Senate bill also gives States the option of covering low-income pregnant women under SCHIP. Current regulations do permit States to cover unborn children, making reimbursements available for prenatal, labor, and delivery services. Medically necessary postpartum care, however, is not covered. The Senate bill will change that.

The Senate bill will also eliminate the State shortfall problems that have plagued the SCHIP program, and it also provides additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

In short, Mr. President, the bill before the Senate is a prescription for good health for millions of our Nation's working families, and I urge all of my colleagues to join me in supporting it.

Ms. SNOWE. Mr. President, I want to congratulate Chairman BAUCUS and Ranking Member GRASSLEY, as well as Senators ROCKEFELLER and HATCH, for their visionary leadership and tireless perseverance in crafting an SCHIP package that has received so much bipartisan support. I also want to thank them for never losing sight of the single over-arching goal—obtaining health insurance for uninsured children.

I rise today to strongly support a Senate resolution I have filed with Senator LINCOLN and a host of my colleagues on both sides of the aisle which contains a resounding and inescapable message: Congress must unite to address the small business health insurance crisis—this year.

I am encouraged by the unprecedented level of constructive, bipartisan dialogue currently taking place on the issue of small business health insurance reform. The roster of support on our Small Business Resolution speaks volumes about its viability: Senators BAUCUS and GRASSLEY, KENNEDY and ENZI and Senators BEN NELSON, DURBIN, SMITH, and CRAPO. This diverse, bipartisan group tells me that the will is there. We can get this done—if we don't retreat to partisan corners and if we work together and make tough compromises just as we have done on the SCHIP bill—which this body will soon likely pass—where we sat down, rolled up our sleeves, and worked together to fashion a consensus package.

As past chair and now ranking member of the Small Business Committee, if there is one concern I have heard time and again, it is the exorbitant cost to small businesses of providing health insurance to their employees. Health insurance premiums have increased at double-digit percentage levels in 4 of the past 6 years—far outpacing inflation and wage gains. Is there any question that the small business health insurance crisis is real?

We could not be at a more pivotal juncture on this threshold issue. According to the Kaiser Family Foundation, last year the average group-sponsored health insurance policy for an individual was $4,242—the average family plan cost $11,480. And the figures are dramatically worse for those purchasing health insurance in the individual market. For example, in my home State of Maine, a health insurance plan on the individual market can cost a family of four in excess of $24,000 per year. Funds which could be used for other expenses such as saving for college tuition or retirement security or a down payment on a home—not for one year of health care.

This phenomenon perpetuates a cycle of spiraling costs and declining access as fewer and fewer small businesses offer health insurance to their employees. Only 48 percent of our smallest businesses are able to provide this workplace benefit—a 10 percent drop from 5 years ago. Clearly, it is time we started heading in the opposite direction.

Of course, this is easier said than done as small group markets such as those in Maine have no real competition and represent major impediments. No competition means higher costs, and higher costs mean no health insurance.

Making matters more challenging is the fact that across the country, the largest insurers now control 43 percent of the small group markets. In Maine, a sum total of four large insurers now control 98 percent of the small group market.

So the issue isn't whether the United States has the greatest health care system in the world—we do. But with nearly 45 million uninsured in this country, our goal should be nothing less than providing health care access for all. It is all the more incumbent upon this Congress to consider every possible viable avenue and reach across the partisan divide to solve this crisis, an approach that reflects the undeniable will of the American people on this matter.

That is why I have advocated for and championed Small Business Health Plan legislation which would allow small businesses to ''pool'' together across state lines to provide their employees with health insurance at significantly lower costs. It is an idea which is gaining growing support. A recent study published by the National Association of Realtors concluded that an overwhelming majority of voters—89 percent, including 93 percent of Republicans and 86 percent of Democrats—favor legislation that would allow small businesses to pool together to negotiate lower health insurance costs.

I continue to believe that Small Business Health Plans are a logical solution to the small business health insurance crisis, and I thank Senator ENZI for all of his tremendous efforts in getting legislation passed through the HELP Committee last year, and for having them considered on the Senate floor for the first time ever.

As we move forward in this debate, we must leave no stone unturned in our search for consensus solutions to this crisis as we seek to reform the small group and individual health insurance markets.

We must address how to allow health insurers to provide lower-cost products to small businesses across state lines

while maintaining the most widely accepted and necessary benefits and services.

We must figure out how to ''rate,'' or price, these products—and also how and whether this can be done in a uniform manner, without jeopardizing consumer protections.

Finally, we should examine ways to use the tax code as a mechanism for increasing access to health care and injecting competition into the state small group markets.

In conclusion, Congress must consider small business health insurance reform legislation this year, in a bipartisan, comprehensive way that can secure significant consensus support. In the coming months, I look forward to a robust and productive debate on this issue in the Finance Committee.

I yield the floor.

Mr. LEAHY. Mr. President, I wish to express my support for the passage of the Children's Health Insurance Program reauthorization. This is a vitally important program that ensures some of the most vulnerable among us, our children, have access to the health care they deserve. There is no question that we are a country with a health care crisis. In the richest, most powerful country in the world, it is a disgrace that we have 47 million people with no health coverage. Addressing this national priority is long overdue, so I am especially pleased that this new Congress will take action by extending health care coverage to millions of children.

Congress created this program 10 years ago to provide coverage to children whose families earned too much to qualify for Medicaid, but lacked health care coverage through their employer or the private market. At that time, there were more than ten million children who were uninsured. In the last decade, we have seen the success of the Children's Health Insurance Program; it has covered over 6 million low-income children, providing consistent quality health care.

With the success of this program, it is appropriate that we renew it for 5 more years, but also extend it so that millions of additional low-income, uninsured children will now have health coverage. This expansion is critically important because through CHIP children have far better access to preventive and primary care services than they would if they were uninsured. With more routine health care, we know that kids have better health outcomes and perform better in schools.

Studies have also shown that approximately 6 million children are eligible for public coverage but are not enrolled in CHIP. I am pleased that the Finance Committee has been able to craft a bill that would cover 3.2 million children, but I do hope that we can go even further and expand this coverage to additional children. Because uninsured children are nine times less likely to receive needed health care on time and are more likely to go without a visit to a doctor's office, we need to cover as many of them as possible.

My State of Vermont has been a leader when it comes to covering kids. We are referred to an early expansion State because prior to the creation of this program, Vermont extended Medicaid coverage to low-income children through a program known as Dr. Dynasaur. The bill before the Senate would allow Vermont to maintain coverage for the kids currently covered, but also reach out to the remaining children that are eligible but not enrolled in the program.

The Finance Committee proposal would also have a positive impact on health care by increasing the tobacco tax. This action will have a significant affect on our country's health, reducing the rate of cancer, strokes and heart attacks. Further, an increase in the tobacco tax will also reduce the prevalence of smoking, especially among adolescents. We know that when cigarettes become more expensive, both kids and adults will change how much they smoke. This is a positive outcome and one that I support.

I appreciate the hard work that has gone into crafting this bipartisan legislation. I believe it puts the country on the right track towards ensuring all children have health insurance and I strongly support it.

Mr. ROCKEFELLER. Mr. President, this is a monumental day for all Americans but especially children and their families. I am proud of the work we have accomplished over the past few days in the Senate on the Children's Health Insurance Program—or CHIP—Reauthorization Act of 2007. Renewing this program for another 10 years is a fitting way to mark this Sunday, August 5th's 10-year anniversary of the day the first CHIP bill was signed into law.

As you know, this legislation was the result of countless hours of negotiations between Senators BAUCUS, GRASSLEY, and HATCH and I. CHIP legislation has a history of bipartisanship, I am quite proud of it.

Many Members of this Chamber had hoped for something different in this bill.

There were some on the other side of the aisle who wanted to place further restrictions on those covered by this bill and decrease the funding to $15 million. I know that there were others on this side of the aisle who wanted to add benefits and increase the funding to $50 billion. Individually, we were each tempted by some of the suggested changes in the more than 86 amendments to this bill.

But the fundamental goal has been sustained throughout our debates and votes—expanding access to health care for millions of children, including those eligible children who are not yet enrolled.

Each of us knows the statistics in our own State. I am proud that nearly 39,000 West Virginians were enrolled in the program last year.

These kids can see a doctor when they get sick, receive necessary immunizations, and get the preventative screenings they need for a healthy start in life, because of this important program. The passage of this bill means 4,000 more West Virginia children will have affordable and stable health insurance coverage including access to basic preventative care and immunizations.

Bipartisan passage in the Finance Committee was our first ''win.'' Senate passage is the next bold step. Our conference, like all of the CHIP negotiations, will be intense. But if we keep our focus on covering children and bipartisanship, I am confident that we will achieve our vital goal of continuing this successful program for children.

Many individuals have worked long and very hard on this legislation for months. I truly appreciate the efforts of Chairman BAUCUS and Ranking Member GRASSLEY and their professional staff. Senators HATCH and SNOWE and their staff played an essential role in our negotiating team.

But I also want to take a moment to mention the extraordinary work of my health care legislative assistant, Jocelyn Moore. She is enormously dedicated and she has a deep commitment to health care policy, especially the needs of children. Jocelyn is a talented professional who have been working around-the-clock for many months. My legislative director, Ellen Doneski, has also been involved throughout the process and is a real leader. I am grateful for their dedication and commitment and inspired by the intellect and mastery of the issue of children's health policy.

I thank my staff, and my colleagues. Let's get ready for conference negotiations and stay focused on what matters most—covering children.

Mr. MCCONNELL. Mr. President, when this debate first began, I came to this floor to say that SCHIP has proved to be, in many ways, a remarkable success for this Nation.

Thanks to a program passed by a Republican-led Congress 10 years ago, the rate of uninsured children in America has dropped by 25 percent from 1996 to 2005. Last year, 6.6 million children had health care because of SCHIP—and over 50,000 of them were in my home State of Kentucky.

SCHIP has accomplished what it was designed to do: protect children in low-income families, families too well off to qualify for Medicaid but still needy enough to have difficulty affording private insurance.

When the program came up for reauthorization, this Senate's goal should have been to retain what works, and to strengthen the law in areas where it has been misused.

Unfortunately, that is not what happened. SCHIP was originally created to help the needy. But it is clear the authors of this new proposal have overreached.

Some have seized the reauthorization of SCHIP as a license to raise taxes, increase spending, and take a giant leap forward into the land of government-run health care.

The problems with this bill are numerous, and I have spelled them out on this floor before. Because of a budgeting gimmick, the current bill, H.R. 976, will end up costing $41 billion more than advertised.

It will raise taxes at a time when the American people are already taxed too much by more than doubling the Federal tax on tobacco.

It will leave open loopholes allowing some States to raid their kids' health funds and use the money for adults. The ''C'' in ''SCHIP'' stands for children.

It will allow families in certain States who make as much as four times the Federal poverty level to still qualify for SCHIP insurance. A family of four in New York City making as much as $82,600 could qualify.

That means thousands of families in New York alone will be poor enough to receive SCHIP—yet also rich enough to pay the alternative minimum tax, a tax designed specifically to target the so-called ''wealthy.''

By luring people away from the private market, H.R. 976 will eventually remove 2 million people from private health coverage.

Senators LOTT, KYL, GREGG, BUNNING and I saw the problems with this bill, and proposed an alternative. The Kids First Act would have reauthorized SCHIP and ensured that states had sufficient resources to cover all of the kids already enrolled.

It would have added an additional 1.3 million children to the program by 2012. And it would have done all of this without raising taxes or increasing the deficit.

The Kids First Act kept the focus on SCHIP's true goal: protecting low-income children.

Many States, including Kentucky, would actually have had more SCHIP funds to spend on kids under the Kids First Act than under the bill on the floor. I am sorry the Senate did not see fit to adopt our proposal.

I know many Senators worked their hardest during this debate to craft comprehensive solutions for the uninsured in America. I appreciate their efforts. I look forward to continuing that work.

Unfortunately, so much effort has not produced an answer. This bill is unlikely to receive a Presidential signature. Nothing will have been accomplished. We will have to pass a temporary extension of SCHIP, and then go back to the drawing board for a long-term reauthorization.

When we do, I hope the Senate can stay focused like a laser beam on what SCHIP is truly all about: providing a safety net for kids in low-income families.

I look forward to working with all of my colleagues to craft legislation that can meet that goal, pass this Senate, and be signed into law.

But for now, the bill on the floor will not accomplish that. I intend to vote ''no.'' And I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, we are about to vote final passage tonight. I am not going to take the time of Senators for all the customary thank-yous. I will do that at a later date. But I do very much want to thank Senators GRASSLEY, HATCH, and ROCKEFELLER and all the great team who helped make this possible.

I also thank the parents across the country who love their children and are determined to provide the best possible health care for them. I say to the parents, to all Americans, I hope this bill helps you provide that health care, and I think it will. I thank all Senators for their cooperation in helping make this happen tonight.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, No. 3520, as amended, is agreed to.

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?

Mr. BAUCUS. 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 South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—68

Akaka	Feingold	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Baucus	Grassley	Obama
Bayh	Harkin	Pryor
Biden	Hatch	Reed
Bingaman	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Stevens
Collins	Lincoln	Sununu
Conrad	Lugar	Tester
Corker	McCaskill	Warner
Dodd	Menendez	Webb
Domenici	Mikulski	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	

NAYS—31

Allard	Brownback	Chambliss
Barrasso	Bunning	Coburn
Bennett	Burr	Cochran
Cornyn	Gregg	McConnell
Craig	Hagel	Sessions
Crapo	Inhofe	Shelby
DeMint	Isakson	Thune
Dole	Kyl	Vitter
Ensign	Lott	Voinovich
Enzi	Martinez	
Graham	McCain	

NOT VOTING—1

Johnson

The bill (H.R. 976), as amended, was passed.

The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2646

Mr. BAUCUS. Mr. President, I ask unanimous consent that the title amendment at the desk be considered and agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2646) was agreed to, as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the order for the vote on the judicial nomination of the judge from Oklahoma be modified for the vote to occur immediately after the Senate convenes tomorrow morning, Friday, under the same conditions provided under the previous order.

I would say this has been cleared with Senator LEAHY and Senate SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA COMPETES ACT—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2272, the 21st Century Competitiveness Act of 2007; that the conference report be adopted, the motion to reconsider be laid upon the table, that any statements be printed in the RECORD as if given.

Mr. President, I hope we can, in a minute or two, clear this wonderful piece of legislation. It is something I think people will write about for a long time. It is going to improve America's stature in the world and allow us to be more competitive.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I want to take a brief opportunity to thank the senior Senator

from Tennessee, who was the brains behind this effort on the Republican side. It did enjoy broad bipartisan support. But the leader clearly on our side in developing and pushing for this accomplishment was the senior Senator from Tennessee. I just want to, on behalf of all of us who were enthusiastic about this piece of legislation, congratulate him for a spectacular job.

Mr. REID. Mr. President, I certainly also applaud the Senator from Tennessee. He worked hand in glove with Senator BINGAMAN, Senator KENNEDY, Senator INOUYE.

I think it is appropriate to send a bouquet to my friend, the distinguished junior Senator from Nevada, Mr. ENSIGN. This is something he has believed in for a long time. He has worked with a number of individuals, and he has been out front on this going on for well more than a year.

The Republican leader and I have left off people who deserve attention, but we all deserve some credit. As we have said before, when we do something that is good, there is credit to go around. When we fail to accomplish things, there is blame to go around. Tonight, we can all claim a little bit of the credit, and rightfully so.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, which I will not do, while the majority leader and the Republican leader are on the floor, I would simply like to say that this is the Reid-McConnell bill we are passing, which represents the fact that so many Members of this body have been a part of it.

After the Senator from Iowa makes his remarks, after wrap-up, I plan to make some remarks about this bill. But I would just simply say now that they have created an environment, in a bipartisan way, that permitted this bill to pass. It has been worked on for 2 years. It has had 70 Members—35 Democrats, 35 Republicans—cosponsoring it. I would judge that there will be no more important piece of legislation to the future of the country that passes the Congress in this session. I wish to thank Senator REID, Senator MCCONNELL, and Senator Frist from the last session for creating the environment that made it possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

(The conference report is printed in the House proceedings of Wednesday, August 1, 2007.)

ETHICS REFORM

Mr. REID. While my friend, the distinguished chairman of the committee, is not here, the ranking member is here. I think we all owe you a debt of gratitude. The way this bill was managed has been exemplary, and I speak for all of us in extending my appreciation to you and your partner in this very important committee, Senator BAUCUS, for the work you have done.

Mr. GRASSLEY. I would thank the distinguished majority leader too because he allowed this process to work. All the amendments that needed to come up—and there was kind of a convoluted way of putting it together with the tax bill that opened up a lot of other avenues and amendments that were brought up. But it really worked out well, and it is in the tradition of the Senate, and I thank you very much for your leniency in regard to letting everything that needed to be discussed, be discussed. I appreciate that.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. GRASSLEY. Mr. President, before I go to further remarks, I want to give some credit on the passage of H.R. 976 the bill we just had and the cooperation.

The Grassley-Baucus cooperation has been mentioned here. I really compliment Senator BAUCUS for his leadership in working with us. But, also, it took us 3 or 4 months to put together a bill, and Senator HATCH and Senator ROCKEFELLER were very much involved in that effort with many long hours. So I thank them.

I do wish to make the point that what the Senate has done over the past few days has genuinely served the interests of the American people. The Senate passed this bipartisan legislation which will cover an additional 3.2 million children.

The Senate has proceeded in regular order to process amendments. Every amendment that was offered was defeated—I mean every one on which we had a rollcall vote was defeated. So this bill basically has come out of the Senate the same way it came out of the Senate Finance Committee.

This is how we should do business in the Senate. Amendments were debated and voted upon. Members had the opportunity to consider a variety of changes to the Senate Finance Committee bill. Some were adopted by voice vote. Those that took a rollcall, none of those were adopted. But regular order was followed, and the Senate worked its will.

I am pleased with the Senate Committee product, which is a bipartisan product.

I am also pleased with how the majority and minority leaders have handled the process. This has been a tough, complicated piece of legislation. A lot of Members and staff have worked very hard to get us to this point.

I thank the chairman for his tireless efforts and how he worked in a bipartisan manner. I wish to thank his staff: Alice Weiss, Michelle Easton, Bill Dauster, Russ Sullivan, David Swartz, and Rebecca Baxter. I also thank Senator ROCKEFELLER and his staff: Jocelyn Moore and Ellen Doneski. Much is also owed to the Senator from Utah, Mr. HATCH, and his staff. Finally, I wish to thank the staff of the minority—I should say the Republicans on the Finance Committee: Chris Condeluci, Mark Prater, Becky Shipp, Rodney Whitlock, Mark Hayes, and Kolan Davis.

Now, I would like to address the Senate since we passed our bill, since the House last night passed their bill, and soon there will be a conference between the House and Senate. I wish to speak about some things I think the House of Representatives has done that are damaging to Medicare Advantage.

People are saying that Medicare Advantage plans are overpaid. They talk about cutting payments, and that is what the House of Representatives has done in their SCHIP bill. But they do not talk about why Congress set up the payment structure, which was to create choices of plans in Medicare and to expand private plan choices in rural America. They do not talk about why Congress set up that choice. It worries me that those arguing about the plan payments are losing sight of the Medicare beneficiaries.

These beneficiaries, the seniors and disabled of America, are the ones who benefit from having Medicare Advantage plans available to choose from. Congress, in 2003, enacted the Medicare Modernization Act. That is the act that included the prescription drug program as an improvement in Medicare. A major goal of the MMA, the Medicare Modernization Act, was to expand beneficiaries' choice of Medicare plans. Before MMA, rural beneficiaries, such as my people in Iowa and a lot of States that are more sparsely populated than Iowa, rarely had a private Medicare plan to choose from. Now rural and urban Medicare beneficiaries can decide whether a private plan option or traditional Medicare works best for them.

I want to tell you why Medicare Advantage can be a good option for beneficiaries and why the program should not be touched, as it was recently by the House of Representatives in their SCHIP bill. I want to explain at the same time why Congress thought all beneficiaries, whether you were in rural America or urban America, should have a choice of plans.

The original Medicare benefit is set up based on how medicine was practiced in 1964, meaning in 1964 the fee for service that is the traditional Medicare was set up at a time when you went to the doctor. If you were very sick, then you went to the hospital. Medicine was much less specialized.

Patients were treated by one doctor at a time, not the teams of people who treat patients now. Under traditional Medicare, dating from 1964, hospital benefits are in Part A of Medicare; physician benefits are financed and delivered separately in Part B of Medicare. Each set of benefits has its own deductible. A hospital deductible alone is a lot higher than most working people have in their health insurance. It is $992, and it goes up a little bit every year. That is a pretty significant amount. That deductible alone can impose a big hardship on a family, if they are relying solely on Medicare for their health coverage. Medicare also only covers a limited number of hospital days each year. It is not great protection if you are severely injured or if you have an illness that has a long hospital stay. Say you happen to end up in the hospital for months at a stretch, you might end up exhausting your Medicare coverage. A lot of people don't realize how limited Medicare benefits can be.

Medicare also does not actually have catastrophic coverage. Traditional fee-for-service Medicare, the Medicare since 1964, by itself does not provide protection against the cost of catastrophic illness. Some beneficiaries then buy Medigap insurance for this catastrophic insurance. Medigap insurance can be expensive for those on fixed incomes. In contrast, and hence why the House of Representatives should not change Medicare Advantage, Medicare Advantage plans have catastrophic coverage for those seniors who want to choose it, and they do it for a much lower premium than the Medigap add-on to traditional fee-for-service Medicare. That is one of the many reasons Medicare Advantage should be an option, not just in metropolitan areas, as it was before we passed the prescription drug bill in 2003. We need rural equity. And through the MMA, we brought rural equity so that people in my State and more sparsely populated States can have a choice between fee-for-service Medicare and Medicare Advantage, which can be a preferred provider organization, HMOs, or fee-for-service Medicare Advantage. Prior to 2003, in my State of Iowa, only 1 of 99 counties had the Medicare Advantage option. That was Pottawatomie County right across the river from Omaha, because they could work in with Omaha, but the other 98 counties did not have choice as they have in Los Angeles and Texas and Arizona, New York and New Jersey, Philadelphia, and Florida. There may be some others but not really rural States. You are stuck with fee-for-service traditional Medicare written in 1964, not much for the practice of medicine in the year 2007.

So I am very concerned that what the House of Representatives did in their SCHIP bill is such that it is going to put in danger the choices we now have in rural America between fee-for-service traditional Medicare and Medicare Advantage such as some of the more metropolitan States have had for a couple decades.

If you are in Medicare Advantage, you don't have to have the Medigap add-on to your traditional Medicare. Another plus is that most Medicare Advantage plans also have a limit on out-of-pocket costs. In Iowa the plans often have a limit of $1,000 or less. In other States, Montana, much of New York and California, that is true as well. In some States and counties, out-of-pocket limits are higher. Traditional Medicare has no out-of-pocket limits. In original Medicare, to keep costs down, Congress imposed caps on types of care. For example, there is a $1,780 annual cap on physical therapy. Once a patient hits that cap on physical therapy, he must pay out of pocket if he needs more therapy, unless he gets approved for an exception. Many patients hit the cap early in the year. These are patients who have had a stroke or a serious accident. After that they have to pay themselves for the service unless they succeed in appealing for more therapy services. Then by contrast, Medicare Advantage plans can base coverage for physical therapy on what the patient needs, not what some bureaucrat in Washington says there is a limit on. They can avoid these arbitrary caps.

In original Medicare, patients may see a doctor whenever they like. That may seem like a good idea. Many patients see a lot of doctors and are prescribed many different drugs. In original Medicare, physician care can be disjointed. No one oversees all the care a patient receives. Some patients prefer it that way. Others welcome having help navigating the health care system. They would like to choose a plan that would help them coordinate their care, and most Medicare Advantage plans do just that. So that is why we don't want the House of Representatives to cripple Medicare Advantage.

Let's say a patient has diabetes. In Medicare fee for service, there is no one to help monitor that she is testing her blood sugar. No one checks to see if she is getting her eyes and feet checked, which are the result of diabetes. And in most Medicare Advantage plans, somebody does that oversight. Somebody does that checking. Plans use teams of people, ranging from doctors to pharmacists to nurses to dieticians to case managers, all to make sure enrollees are getting the care they need. Four out of five Medicare beneficiaries have a chronic illness. In many Medicare Advantage plans, one doctor oversees their care. The plan assigns a case manager. Patients don't have to navigate the system alone. For many patients, this can be preferable, and it is because of Medicare Advantage. We don't want that plan crippled, as the House of Representatives bill does.

Medicare Advantage is a great program for poor and low-income people. Critics of the program argue that poor people qualify for Medicaid. They say Medicare Advantage doesn't help them. I want to make it clear that this is not true. I am going to get to that point later. But even the critics cannot argue with the statistics about lower income or near poor beneficiaries. These beneficiaries can't afford a Medigap policy. For them, Medicare Advantage is a godsend. According to the Centers for Medicare and Medicaid Services, the average Medicare Advantage beneficiary gets $86 a month in extra benefits. Most of those extra benefits are in reduced cost sharing. Medicare Advantage plans often reduce copays and deductibles that beneficiaries otherwise would have to pay.

As I noted, Medicare Advantage plans offer catastrophic coverage. If an enrollee ends up in the hospital for weeks or even a year, the plan covers it. That is not true of traditional Medicare fee-for-service, started in 1964. It doesn't fit the practice of medicine today. But Medicare Advantage offers medicine delivered on the practice of medicine in 2007. The benefits may include an annual physical. They may include lower copays for enrollees needing kidney dialysis. They include unlimited physical therapy based upon patient need.

Ninety-nine percent of the beneficiaries have access to a Medicare Advantage plan that plugs the gap in the Part D drug coverage; 98 percent have access to a plan that offers preventive dental benefits. Beneficiaries in Medicare Advantage plans are more likely to get preventive services. Almost all Medicare beneficiaries have access to a plan with no-cost cancer screening. And for this, many beneficiaries pay no extra premium. They pay only the regular Part B premium, as everybody else does. Eighty-four percent of beneficiaries had access to a zero premium Medicare Advantage plan last year.

Many seniors live on fixed incomes. Medicare Advantage may be the only way they can afford these benefits. It is also easy to use. Many Medicare Advantage plans let seniors use one health care card, their Medicare Advantage plan card, for all of their health care needs. Instead of three cards, they have one card. They pull the same card out when they go to the doctor, same card they use for the hospital, the same card they use for the pharmacist. They don't have to worry about dealing with claim forms from two or three different insurance plans. But that is not the case for beneficiaries in the original 1964 type Medicare. If they have Medigap and Part D prescription drug coverage, they have to deal with multiple plans that don't coordinate their coverage or coordinate their benefits.

I said I would get back to why Medicare Advantage is good for lower income seniors. It is true that many lower income beneficiaries are also covered by Medicaid. These individuals are referred to as dual eligibles, because they are under both Medicare and Medicaid. But we have a program

in Medicare Advantage for people who are eligible for both. This program is called a special needs plan. It coordinates the care and the benefits between the Medicaid Program which is run by the States and the Federal Government. It should be seamless to the beneficiaries. Have these special needs plans worked perfectly? Not always. The program is a work in progress. Surely it is a lot better than what happens without it. Without it, health care for poor beneficiaries is siloed. The parts covered by Medicare are never coordinated with the parts Medicaid is responsible for.

Let's say a frail senior is in a nursing home. She has exhausted her savings so Medicaid is paying. She has Medicare for her health coverage. She enrolls in one of these special needs plans. When she gets a fever or an infection, the Medicare Advantage special needs plan can treat her at the nursing home. In the original Medicare, the nursing home would send her to the more expensive hospital environment. The hospital, after 3 days, would discharge her to a skilled nursing home facility. For her, the Medicare Advantage plan reduces disruptions and keeps her from being exposed to additional infections in the hospital. At the same time, you save a lot of money in Medicare. Both she and Medicare are spared the cost of hospitalization—the most expensive health delivery.

So the critics who say that Medicare Advantage is not helping poor people are mistaken. While the program is small, that is because the program is new. It can be a model for all of us. This is how we want our care to be delivered to us when we are very old and when we are very frail.

So Medicare Advantage can be a good choice for very sick people. It can be a good choice for people with chronic illness. It can be a good choice for lower income people. It can be a good choice for people who want some extra benefits. It can be a good choice for people on fixed incomes. It can be a good choice for rural beneficiaries as well as urban ones.

When the House of Representatives gets done with it all, we will not have it in rural America. But they will still have it in urban America, and that is very unfair. That inequity was meant to be taken care of when we passed the prescription drug bill in 2003, and I am not anxious to let that sort of equity between rural and urban America go away. But it can also be a good choice for seniors.

All Medicare beneficiaries, whether they live in a city, a small town, or on a farm, ought to be able to choose their own plan. They know best what suits their needs—the original 1964 Medicare or the 2003 Medicare Advantage plan. The House bill would gut the Medicare Advantage program. It would take these choices away from our beneficiaries. The Senate SCHIP bill avoids this.

I urge my colleagues to remember why we decided to give Medicare beneficiaries a choice of health plans. I urge my colleagues to reject efforts to cut Medicare Advantage.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, let me ask, through the Chair, the manager of the previous bill, is he finished with what he would like to do this evening? If I could ask the Senator from Iowa, does he need any more time on the subject he has been talking about? I will be glad to wait.

Mr. GRASSLEY. No. I am going home.

Mr. ALEXANDER. Congratulations.

Mr. GRASSLEY. I thank the Senator for listening to me.

Mr. ALEXANDER. Mr. President, I thank the Senator from Iowa.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, this evening the Senate unanimously passed a piece of legislation which we call the America COMPETES Act. Earlier today, the House of Representatives passed it by a vote of 367 to 57. So anyone watching the work of the U.S. Congress must think: Well, that must either be not very important or not very hard to do.

Nothing could be further from the truth. I would suggest that the America COMPETES Act will be as important as any piece of legislation the Congress passes in this session, and it has taken as much work as any piece of legislation that has been passed in this session.

I would like to spend a few minutes acknowledging the work and describing the importance of the bill, but I think the first thing to do is to say actually what the bill does. The point of the America COMPETES Act is very simple. It helps America keep its brainpower advantage so we can keep our jobs from going overseas to China and India and other countries.

The Presiding Officer is from a State that has benefitted greatly from America's brainpower advantage. There is a great deal of higher education and research in his State, and, as a result of that, a number of jobs. I have been in the Edison Museum in New Jersey, which is a good reminder of exactly what we are talking about.

Thomas Edison used to say he failed 10,000 times until he succeeded once. That one success was the lightbulb, and then a number of other inventions, which created millions of jobs in the United States.

The United States, this year, is producing about a third of all the money in the world. The International Monetary Fund says that almost 30 percent of all the wealth in the world is produced in our country, measured in terms of gross domestic product, for just 5 percent of the world's population. That is how many Americans there are.

So imagine if you are living in China or India or Ireland or any country in the world, and you are looking at the United States. It is not so hard to look at other countries today with the Internet and travel and television the way they are. Someone in one of those countries could say: How can those Americans be producing 30 percent of all the wealth for themselves when they are only 5 percent of the world's population? They have the same brains everybody else does. They cannot work any harder than anybody else does.

What is it? There are a variety of advantages we have in this country. But most people who look at this country, since World War II, believe our standard of living, our family incomes, our great wealth comes primarily from our technological advances, from the fact that it has been in this country that the automobile, the electric lightbulb, the television set, the Internet, Google have been invented. Or the pharmaceutical drugs that help cure disease all over the world, they also have come mostly from this country.

It is that innovation that has given us our standard of living and given the rest of the world a high standard of living. That brainpower advantage we have is located in some pretty obvious places. One place, of course, is our system of higher education, the great university system. We not only have many of the best universities in the world, we have almost all of them. Another place is in the great National Laboratories, from Oak Ridge National Laboratory to Los Alamos and across our country.

Another is in the great corporations of America where research is done whether it is in pharmaceuticals or whether it is in agriculture. Those great engines of research and innovation and the entrepreneurial spirit and free market that we have have given us this great advantage.

We, therefore, talk a lot about progrowth policies. What causes our economy to grow? We, on this side—we Republicans—talk a lot about low taxes. I believe that is important and vote that way. When I was Governor of Tennessee, we had the lowest tax rates in the country. But I found very quickly that low taxes by themselves do not create a high standard of living because we had the lowest taxes in our State but we also were the third poorest State. I also found that better schools and better research were the keys to better jobs. That is what this bill is about. So as a result of the America COMPETES Act, over the next few years, we will have done something pretty remarkable.

We asked the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, as well as other business leaders in our country, exactly what it would take to keep our brainpower advantage, and they have told us, and tonight we have done it. All that has to happen now is for the President of the United States to sign it, and I feel confident he will.

I hope what he does is sign it and take credit for a lot of it, because in his State of the Union Address President Bush emphasized the importance of this and talked about his American Competitiveness Initiative 2 years ago.

But this is what we have done. We have authorized the spending, over the next 3 years, of $43 billion to help keep our brainpower advantage by investing in science and technology. Most of that—and this was a part of the President's recommendation—helps to grow research at our major scientific laboratories and Departments by doubling their research budgets over a 7-year term. That would be the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy Office of Science, which among other things, supervises the great National Laboratories in our country.

As I said, the act authorizes a total of $43.3 billion, over the next 3 fiscal years, for science, technology, engineering, and mathematics research and education programs across the Federal Government. It will help to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education. It will establish an advanced research projects agency for energy—a nimble and semi-autonomous research agency at the Department of Energy—to engage in high-risk, high-reward energy research. This is modeled after what we call DARPA at the Department of Defense which produced stealth technology and the Internet. Perhaps we can do the same as we look for new energy technologies.

It expands programs at the National Science Foundation to enhance the undergraduate education of our future science and engineering workforce, including at our community colleges. There are many provisions in the bill to broaden participation in science and engineering fields at all levels.

There are new competitive grant programs to enable partnerships to implement courses of study in math, science, engineering, technology, and critical foreign languages. There are competitive grants to increase the number of math and science teachers serving high-need schools. The bill expands access to advanced placement courses and international baccalaureate courses by increasing the number of qualified teachers in high-need schools. In other words, in plain English, it will help more children, including those who come from families with less money, have a chance to take the advanced placement courses that will give them a route into college, high achievement, and the ability to produce jobs not just for themselves but for the rest of us.

It expands early-career research grant programs. It strengthens interagency planning for research infrastructure. It does all of this.

Now, one might say: Where did all these ideas come from? Did the Senator from New Jersey just wander in one day and say, ''I have a great idea. Let's stick it in''? Or did the Senator from Arkansas say, ''Well, we have a little program over at Little Rock that we all like, so let's have some money for it''? Or did the Senator from Tennessee say, ''I was down at the Oak Ridge National Laboratory yesterday, and someone gave me an idea, so let's have $10 million for that''?

That is not the way we did it. What we did is, 2 years ago, Senator BINGAMAN and I, and Representatives BART GORDON and Sherwood Boehlert of the House of Representatives—two Democrats and two Republicans—we literally went to the National Academy of Sciences and we asked this question: Tell us exactly what we need to do to keep our brainpower advantage, to keep our jobs from going to China and India? And they took us seriously.

The National Academy of Sciences and the National Academy of Engineering and the Institute of Medicine appointed a distinguished committee of 21 Americans chaired by Norm Augustine, the former Chairman and CEO of Lockheed Martin and a member of the National Academy of Engineering. On that committee were some of America's most distinguished business leaders, three Nobel laureates, the president emeritus of MIT, teachers, and others, who gave up their summer, reviewed hundreds of proposals, and, in priority order, told us the 20 things we needed to do to keep our brainpower advantage.

All of that was presented to us in a booklet called ''Rising Above the Gathering Storm,'' which is now well-known at universities, in schools, and in the business community as a wakeup call for the United States of America. It says we have been good—in fact, we have been way ahead of the rest of the line—but if we do not watch out, China, India, Ireland, England, and many of the other countries in the world, are going to catch up with us because there is no preordained right for Americans—no matter how bright we think we might be—to produce 30 percent of the world's wealth for just 5 percent of the people. Other people can do the very same thing in their colleges and universities, if they wish.

The members of this commission had countless stories to tell that every American who confronts these issues will find. Every Senator who travels to China sees they have recruited a distinguished professor of Chinese descent at an Ivy League university to come home and help improve a Chinese university. That is happening all over the world, and it is creating a much more competitive environment.

Last summer, Senator INOUYE and Senator STEVENS led a delegation of Senators to China. We were very well received because Senator STEVENS was the first to fly a cargo plane into Beijing in 1944 at the end of World War II. He was flying with the Flying Tigers. Senator INOUYE, of course, was a Congressional Medal of Honor winner in World War II. The Chinese remember well their affection for Americans in that war. So we were treated well and got to see President Hu, and the No. 2 man, Mr. Wu, the Chairman of the National People's Congress, for an hour each. These were interviews that many American delegations had not had before.

What was interesting to me was that in those sessions with the No. 1 and No. 2 man in China, where our conversations ranged from Iraq to Iran to North Korea to Taiwan, all the issues one might expect, the issue that animated the leaders of China the most was their efforts over the next 15 years to create an innovation economy. They wanted to talk about how China caught up with America's brain power advantage because they know their skills, they know they are good, they know they can do it and they did it in their way.

The month before, President Hu had walked over to the Great Hall of the People and assembled their National Academies of Science and Engineering and said: We are going on a 15-year innovation plan. We are going to invest 4 percent of our gross domestic product in research and technology. We are going to improve our colleges and our universities and our schools. We are going to create a brain power advantage for China that gives us a higher standard of living. They understand that.

We did it a little different way. Two years ago, we walked down to our National Academy of Sciences. We invited them to give us this report, ''Rising Above the Gathering Storm''. We took the recommendations of the Council on Competitiveness which was already working. The President of the United States gave his recommendations in his American Competitiveness Initiative. And then we went to work in the American way. We don't announce 15-year plans here; our way is a little messier. So we had to go through three committees here in the Senate and two in the House of Representatives.

I have to thank the senior Members of this body for the attitude they took toward this. For example, Senators STEVENS and INOUYE, Senators KENNEDY and ENZI, Senators DOMENICI and BINGAMAN, Democrats and Republicans who put aside 3,000 years of seniority and 200 jurisdictional prerogatives and said: Let's just work together and see if we can get this done across party lines. That is not very interesting to people across the country, all this inside baseball about how the Senate works. But it has to work in order for something such as this to happen.

It is not a simple thing to take the recommendations of the National Academy of Sciences and actually do them in both bodies, and yet that is what we have done. Not only did we start 2 years ago, when this was a Republican Congress, but we passed this legislation during a Democratic Congress almost without missing a step.

What happened was a bill that was sponsored by the leaders—last time it was Frist and REID; now it is REID and MCCONNELL. They just changed the names because we had worked so well together—not only with ourselves but also with the Bush administration—that it was hard to tell whose bill it was.

At one time, this legislation that Senator DOMENICI and Senator BINGAMAN first introduced had 35 Republican cosponsors and 35 Democratic cosponsors, and the Speaker of the House NANCY PELOSI, when she was the Democratic leader, was one of the first out to support it. It is especially gratifying to me that Tennesseans, if I may say so, have taken such a role in it in the House of Representatives. Representative BART GORDON, who is now chairman of the Science Committee, was the lead conferee on this piece of legislation. Representative ZACH WAMP, who represents the Oak Ridge National Laboratory, gave I thought the best speech on the House floor today on the Republican side. So again, it was bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks an overview of the conference report we passed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. I mentioned a number of the Senators who had been so deeply involved in this. I mentioned the committee chairmen and the ranking members. But I would like to especially acknowledge the work of Senator JOHN ENSIGN of Nevada, who was especially effective in reminding Republicans that investments in research and technology and science is as progrowth as tax cuts. Senator ENSIGN was powerful on that subject. I believe it as strongly as he does. I believe he was more effective than I was. Senator HUTCHISON had been working with Senator BINGAMAN for years on advanced placement courses. Senator MIKULSKI was out front from the very beginning on this. There is an enormous list of Senators who made this happen.

There is also a long list of Democratic and Republican staff members who deserve thanks. The list is too long for me to read all those names tonight, but I ask unanimous consent that this list of staff members be printed in the RECORD following my remarks, with the thanks of all of us for their work.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. ALEXANDER. I would like to especially thank Matt Sonnesyn who is sitting here beside me. When I was permitted to be on the faculty of the Kennedy School of Government at Harvard at the time when the Senator from Arkansas's father was the Director of the Institute of Politics, Matt Sonnesyn was my course assistant. He came with me to my campaign, and then he came with me to the Senate. For the last 2 years, he has worked on this legislation with Senator BINGAMAN's staff and Senator ENSIGN's staff on this side—a tremendously effective staff group who has made this bill possible.

I see the Senator from Arkansas here, and I know he is going to close out in a few minutes, and I think I am coming toward the end of my remarks.

I would like to conclude by emphasizing two points—one about substance and one about process. I know the Senator from Arkansas and I have talked about this often. We are working together right now on a bipartisan project that has to do with the Iraq war. We believe there shouldn't be any partisan votes on the Iraq war. For example, we, Senator SALAZAR and I, are joined by 6 Republicans and 7 Democrats in cosponsoring legislation that would make the bipartisan Iraq Study Group the law of our country. If the Congress and the President would agree on this bill, we could send to our enemy and our troops and the world the message that as we go forward to wherever we go next in Iraq, we go together; we are united.

Each Tuesday we have a breakfast that Senator LIEBERMAN and I host—no staff, no media, no policy positions adopted—so that in the midst of all our team meetings among Republicans and Democrats, when we talk about what to do to each other, we can have a session where we build relationships and talk about how we move the country ahead. We have had as many as 40 Senators at those breakfasts.

It is important for the people of this country to know that we spend a lot of time working that way. We did tonight on the Children's Health Insurance bill with Senator BAUCUS and Senator GRASSLEY working together in a bipartisan way. For 2 years, we have done that on legislation that goes straight to the heart of how we keep our jobs from going to China and India, which is what we passed tonight.

So the word I wish to say about process is that when the Senate tries and when we focus on big issues, we are perfectly capable of acting the way the rest of the country would hope we would act. We compromise on our differences and come up with a result that benefits family after family.

This legislation, the America COMPETES Act, will mean, for example, in my home State of Tennessee, opportunities for hundreds of math and science teachers and for thousands of students to go to summer academies and institutes of math and science. It will mean opportunities for thousands of students who now can't afford to take advanced placement courses in science and technology to be able to do so and for hundreds of teachers who aren't trained to teach those courses to have that training.

It will mean distinguished scientists will hold joint appointments at the University of Tennessee and Oak Ridge National Laboratory, for example. It will mean support for a residential high school for science and math, which we have wanted to do in our State ever since I was Governor 20 years ago but didn't feel like we had the money. Now other States have it, and this bill provides some support for such a school.

It will mean a steady growth over 7 years in research funding, new support for early-career research grants in science and technology, and more support for all those kinds of studies that create the jobs that will keep our standard of living. That is what it means for my State. It means the same for New Jersey, and it means the same for Arkansas. So that bipartisan consensus we have seen here happens more often than most Americans know, but it doesn't happen as often as it should.

So this has been a privilege for me to work, especially with Senator BINGAMAN and Senator DOMENICI on the committee that I was a part of, to help get this started with BART GORDON, my colleague from the House, the Democratic Congressman who is chairman of the Science Committee, and with all the other Senators. This is the kind of thing I hoped to do when I came to the Senate. I think each of us hopes when we come here to get up every day and do a little something constructive and then go home at night and come back the next day and see if we can find something more to do along that way. If all of us participate in that way in other big issues, as we have in this, the America COMPETES bill, the Senate will be a stronger institution and the country will be a better country.

So I thank my colleagues for their support and for the time tonight. I thank the Senator from Arkansas for staying late so I can make these remarks. This legislation, the America COMPETES Act which passed the House today overwhelmingly and passed the Senate unanimously, is at least as important as any piece of legislation that passes in these 2 years because we have accepted the advice of the wisest men and women in our country about what we ought to do to keep our brain power advantage so we can keep our jobs.

The President has done a big part of it. I am sure he will sign it. I hope he takes some credit because he deserves it. There is plenty of credit to go around. I think the country will be glad we acted.

I yield the floor.

EXHIBIT 1

OVERVIEW OF THE CONFERENCE REPORT ON H.R. 2272, THE AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT (COMPETES)

Earlier this year, both the U.S. House and Senate passed comprehensive legislation (H.R. 2272, S. 761) to ensure our nation's competitive position in the world through improvements to math and science education and a strong commitment to research.

The Conference Agreement follows through on a commitment to ensure U.S. students,

teachers, businesses and workers are prepared to continue leading the world in innovation, research and technology—well into the future.

In summary, the Conference Agreement:

Keeps research programs at National Science Foundation (NSF), the National Institute of Standards and Technology (NIST) and the Department of Energy (DOE) Office of Science on a near-term doubling path;

Authorizes a total of $43.3 billion over fiscal years 2008–2010 for science, technology, engineering and mathematics (STEM) research and education programs across the federal government;

Helps to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education through NSF's Noyce Teacher Scholarship Program and Math and Science Partnerships Program;

Creates the Technology Innovation Program (TIP) at NIST (replacing the existing Advanced Technology Program or ATP) to fund high-risk, high-reward, pre-competitive technology development with high potential for public benefit;

Establishes an Advanced Research Projects Agency for Energy (ARPA–E), a nimble and semiautonomous research agency at the Department of Energy to engage in high-risk, high reward energy research;

Expands programs at NSF to enhance the undergraduate education of the future science and engineering workforce, including at 2-year colleges;

Includes provisions throughout the bill to help broaden participation in science and engineering fields at all levels;

Authorizes two new competitive grant programs that will enable partnerships to implement courses of study in mathematics, science, engineering, technology or critical foreign languages in ways that lead to a baccalaureate degree with concurrent teacher certification;

Authorizes competitive grants to increase the number of teachers serving high-need schools and expand access to AP and IB classes and to increase the number of qualified AP and IB teachers in high-need schools;

Expands early career grant programs and provides additional support for outstanding young investigators at both NSF and DOE; and

Strengthens interagency planning and coordination for research infrastructure and information technology (i.e. high-speed computing).

Following are more detailed summaries of the conference agreement's eight titles:

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)/GOVERNMENT WIDE SCIENCE

The conference agreement directs the President to convene a National Science and Technology Summit to examine the health and direction of the U.S. STEM enterprises; requires a National Academy of Sciences study on barriers to innovation; changes the National Technology Medal to the National Technology and Innovation Medal; establishes a President's Council on Innovation and Competitiveness (akin to the President's Council on Science and Technology); requires prioritization of planning for major research facilities and instrumentation nationwide through the National Science and Technology Council; and expresses a sense of Congress that each federal research agency should support and promote innovation through funding for high-risk, high-reward research.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement establishes the National Aeronautics and Space Administration (NASA) as a full participant in all interagency activities to promote competitiveness and innovation and to enhance science, technology, engineering and mathematics education. The agreement also affirms the importance of NASA's aeronautics program to innovation and to the competitiveness of the United States. It urges NASA to implement a program to address aging workforce issues at NASA and to utilize NASA's existing Undergraduate Student Research program to support basic research by undergraduates on subjects of relevance to NASA. Finally, the conference agreement expresses the sense of Congress that the International Space Station (ISS) National Laboratory offers unique opportunities for educational activities and provides a unique resource for research and development in science, technology, and engineering which can enhance the global competitiveness of the U.S.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement authorizes a total of $2.652 billion over fiscal years 2008–2010 for NIST. This includes funds for the NIST labs, for lab construction, the TIP program, and the Manufacturing Extension Partnership (MEP) Program: This funding level keeps the NIST labs on a path to doubling in ten years.

The conference agreement funds the NIST Labs at $502.1 million for FY08 and increases the funding by 8% per year (10-year doubling), which result in $541.9 million in FY09 and $584.8 million in FY10. The conferenqe agreement provides $150.9 million in FY08 for lab construction. This funding is reduced in each of the next two fiscal years, with funding provided at $86.4 million in FY09 and $49.7 million FY10. These out-year funding levels will allow the completion of construction projects at NIST's Boulder, CO and Gaithersburg, MD facilities. The MEP program is funded at $110 million in FY08, $122 million in FY09 and $131.8 million FY10.

The conference agreement creates a new initiative, the Technology Innovation Program (TIP) which is based on the proven success of the Advanced Technology Program (ATP), but better reflects global innovation competition by funding high-risk, high-reward, pre-competitive technology develoment, focusing on small- and medium-sized companies. The TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and firmly focuses the program on small- and medium-sized high-tech firms.

TIP will replace ATP and bridge the funding gap between the research lab and the marketplace. The conference agreement provides an authorization of $100 million FY08, $131.5 million FY09 nd $140.5 million in FY10. These funding levels will allow for a viable program, with approximately $40 million per year for new awards.

The agreement includes language to clarify that the focus of TIP is to support, promote and accelerate innovation in the U.S. through high-risk, high-reward research in areas of critical national need. It specifies that large companies may not receive any TIP funding.

Further, it provides a list of award criteria to ensure that the proposed technology has a strong potential to address critical national needs through transforming the nation's capacity to deal with major societal challenges that are not currently being addressed; that the applicant provides evidence that the research will not be conducted within a reasonable time period without TIP assistance; that reasonable efforts were made by the applicant to secure funding from alternative sources and that no other alternative funding sources were reasonably available; and that other entities have not already developed, commercialized, marketed, distributed or sold similar technologies. In addition, the NIST Director shall issue an annual report on the program's activities. TIP may accept funds from other federal agencies, and these funds will be included as part of the federal cost share of any TIP project.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement establishes a coordinated ocean, Great Lakes, coastal and atmospheric research and development program for the National Oceanic and Atmospheric Administration NOAA) in consultation with NSF and NASA. In addition, NOAA is required to build upon existing educational programs and activities to enhance public awareness and understanding of the ocean, Great Lakes, and atmospheric science. As a result, a science education plan is to be developed that would set forth the goals and strategies for NOAA, and be reevaluated and updated every 5 years. NOAA would also be recognized for their historic contributions to the innovation and competitiveness of this country, as well as be recognized as a full participant in interagency efforts to promote innovation and competitiveness.

TITLE V—DEPARTMENT OF ENERGY

The conference agreement provides nearly $17 billion to Department of Energy (DOE) programs over fiscal years 2008–2010, keeping Office of Science on a seven-year doubling path and establishes an Advanced Research Projects Agency for Energy, or ARPA-E.

ARPA-E will address long-term and high-risk technological barriers in energy through collaborative research and development that private industry or the DOE are not likely to undertake alone. Because of its autonomy within DOE, and the flexibility and resources afforded to its technical personnel, ARPA-E is structured to respond very quickly to energy research challenges, as well as terminate or restructure programs just as quickly. A fund is established in the U.S. Treasury separate and distinct from DOE appropriations, as will be the budget request for ARPA-E. With this separate fund, ARPA-E will be independent of the DOE bureaucracy, and likewise should not operate at the expense of other programs at DOE, particularly the Office of Science. The conference agreement authorizes $300,000,000 in FY 2008, and such sums as are necessary thereafter for fiscal years 2009 and 2010.

As the nation's largest supporter of the physical sciences, the DOE Office of Science funds basic research and world-class facilities that play an integral role in the effort to maintain the technological competitiveness of the U.S. The conference agreement contains an authorization for the Office of Science which extends the 7 year doubling track prescribed in Energy Policy Act of 2005 by authorizing Fiscal Year 2010 at a funding level of $5.8 billion.

The conference agreement provides $150 million for K–12 science, technology, engineering and mathematics (STEM) education programs that capitalize on the unique scientific and engineering resources of the national laboratories. These programs include a pilot program of grants to states to help establish or expand statewide specialty high schools in STEM education; a program to provide internship opportunities for middle and high-school students at the national labs, with priority given to students from high-needs schools; a program at each national lab to help establish a Center of Excellence in STEM education in at least one high-need public secondary school in each lab region in order to develop and disseminate best practices in STEM education; and

a program to establish or expand summer institutes at the national labs and partner universities in order to improve the STEM content knowledge of K–12 teachers throughout the country.

All of these programs would be coordinated by a newly appointed Director for STEM Education at the Department, who would also serve as an interagency liaison for K–12 STEM education. In keeping with ongoing efforts to improve coordination and evaluation of K–12 STEM education programs across the federal government, all of the programs authorized in this conference agreement require evaluation and reporting of program impact.

In addition, the conference agreement highlights the critical role of young investigators working in areas relevant to the mission of DOE by establishing an early career grant program for scientists at both universities and the national labs; and a graduate research fellowship program for outstanding graduate students in these fields. The agreement also brings attention to research and education needs in the nuclear sciences and hydrocarbon systems sciences by establishing programs of grants to Universities to establish or expand degree programs in these areas.

Finally, the conference agreement helps DOE recruit distinguished scientists to the national labs and foster collaboration between universities and the labs by providing competitive grants to support joint appointments between the two.

TITLE VI—DEPARTMENT OF EDUCATION

To enhance teacher education in the STEM fields and critical foreign languages, the conference agreement authorizes two new competitive grant programs. The programs will specifically enable partnerships to implement courses of study in STEM fields and critical foreign language that lead to a baccalaureate degree with concurrent teacher certification and at the graduate level the conference agreement implements 2- or 3-year part-time master's degree programs in these areas for current teachers to improve their content knowledge and pedagogical skills. The conference bill authorizes $151,200,000 for the baccalaureate degree program and $125,000,000 for the master's degree program for fiscal year 2008 and the two succeeding fiscal years.

The conference agreement authorizes competitive grants to increase the number of highly qualified teachers serving high-need schools and expand access to AP and IB classes; as well as authorize the Secretary of Education to contract with the National Academy of Sciences to convene a national panel within a year after the enactment of this Act to identify promising practices in the teaching of science, technology, engineering and mathematics in elementary and secondary schools. It also authorizes appropriations of $65,000,000 for fiscal year 2008 and such sums as may be necessary for each of the two succeeding fiscal years.

The conference agreement authorizes new grant programs to enhance math education in elementary and middle school mathematics and provides grants to support the following activities to assist states to implement programs for secondary schools and in addition to other best practices and in-service training, the bill provides targeted help to low-income students who are struggling with mathematics. The conference agreement also authorizes a competitive grant program to increase the number of students studying critical foreign languages, starting in elementary school and continuing through postsecondary education programs.

The Secretary of Education is authorized to award competitive grants to states to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce and in the Armed Forces. The Secretary is also authorized to award grants of $50,000 to three elementary and three secondary schools, with a high concentration of low-income students in each state, whose students demonstrate the largest improvement in mathematics and science.

TITLE VII—NATIONAL SCIENCE FOUNDATION

The conference agreement provides $22 billion to the National Science Foundation (NSF) over fiscal years 2008–2010, putting it on a path to double in approximately 7 years. Particularly strong increases are provided in fiscal year 2008 for K–12 STEM education programs at NSF. These programs, including the Noyce Teacher Scholarship program and the Math and Science Partnerships program will help to prepare thousands of new STEM teachers and provide current teachers with content and pedagogical expertise in their area of teaching.

In addition to providing increased support for programs that address the earliest stages of the STEM workforce pipeline, the conference report will help create thousands of new STEM college grduates, including 2-year college graduates, through increased support for the STEM talent expansion (STEP) program and the Advanced Technological Education (ATE) program.

For those STEM graduates who continue on the path toward academic careers, the conferece agreement provides critical support for young, innovative researchers by expanding the graduate research fellowships (GRF) and integrative graduate education and research traineeship (IGERT) programs, strengthening the early career grants (CAREER) program, and creating a new pilot program of seed grants for outstanding new investigators. Such programs have an additional benefit of helping to stimulate high-risk, high-reward research by identifying and taking a chance on the best and brightest young minds.

Finally, the conference agreement includes provisions throughout the bill to help broaden participation in STEM fields at all levels, from kindergarten students through academic researchers. These include several programs of outreach and mentoring for women and minorities, a request for a National Academy of Sciences report to identify barriers to and opportunities for increasing the number of underrepresented minorities in STEM fields, and an emphasis on inclusion of students and teachers from high-needs schools.

TITLE VIII—GENERAL PROVISIONS

The conference agreement includes several general provisions related to the purposes of the legislation, but unrelated to any of the agencies above.

Specifically, the agreement requires the Secretary of Commerce report to Congress on the feasibility, cost and potential benefits of establishing a program to collect and study data on export and import of services; expresses a Sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board should promulgate final regulations implementing the section of the Sarbanes-Oxley Act that are designed to reduce burdens on small businesses; directs the Government Accountability Office, after three years, to assess a representative sample of programs under this Act and make recommendations to ensure their effectiveness; expresses a Sense of the Senate that federal funds should not be provided to any organization or entity that advocates against a U.S. tax policy that is internationally competitive; directs a National Academy of Sciences study on the mechanisms and supports needed for an institution of higher education or non-profit organization to develop and maintain a program to provide free access to on-line educational content as part of a degree program, especially in science, technology, engineering, mathematics and foreign languages, without using federal funds; expresses a Sense of the Senate that deemed exports should safeguard U.S. national security and basic research and that the President and the Congress should consider the recommendations of the Deemed Exports Advisory Committee; and lastly, expresses a Sense of the Senate that U.S. decision-makers should take the necessary steps for the U.S. to reclaim the preeminent position in the global financial services marketplace.

DEMOCRATIC STAFF TO THANK

Jonathan Epstein (Bingaman).
Sam Fowler (Energy Committee).
Chan Lieu (Commerce).
Carmel Martin (HELP Committee).
Melanie Roberts (Bingaman).
Craig Robinson (Lieberman).
Roberto Rodriguez (HELP Committee).
Missy Rohrbach (HELP Committee).
Ilyse Schuman (HELP Committee).
Colleen Shogan (Lieberman).
Bob Simon (Energy).
Rachel Sotsky (Lieberman).
Jean Toal Eisen (Commerce).
Jason Unger (Reid).
Trudy Vincent (Bingaman).
Michael Yudin (Bingaman).

REPUBLICAN STAFF TO THANK

Jeff Bingham (Commerce).
Adam Briddell (HELP Committee).
Beth Buehlmann (HELP Committee).
Kathryn Clay (Energy).
David Cleary (HELP Committee).
Ann Clough (HELP Committee).
Hugh Derr (Commerce).
Floyd DesChamps (Commerce).
Lindsay Hunsicker (HELP Committee).
Libby Jarvis (McConnell).
Christine Kurth (Commerce).
Jason Mulvihill (Commerce).
Sharon Soderstrum (McConnell).
Matt Sonnesyn (Alexander).
Jack Wells (Alexander).

Mr. KENNEDY. Mr. President, our increasingly global economy is creating numerous challenges for America's families nationwide. Across the country, hardworking citizens are being left behind. The value of their wages is declining, their cost of living is going up, and many of their jobs are being shipped overseas.

As a result, the Nation is falling behind in the world economy. Study after study tells us the answer is to invest more in education, research and innovation, if we hope to keep up with other countries whose economies are soaring.

We know that a sound education is more important than ever for today's youth to succeed. Yet studies show, for example, that 15-year-old U.S. students score below average in math and science compared to the youth of other industrial nations. In one study, our 15-year-olds ranked only 24th in math. High school and college graduation rates are also falling behind. Our college graduation rate today has now dropped below the average graduation rate for OECD countries.

We know that Federal investments in research lead to medical, scientific, and technology breakthroughs. But these investments have been shrinking as a share of the economy. In real terms, government spending for research has been flat. Since 1975, we have dropped from third to 15th in the production of scientists and engineers.

It is a serious problem and we can't just tinker at the margins. We have a responsibility to our people, our economy, our security, and our Nation to make the investments to achieve the progress we need in the years ahead.

The America COMPETES Act is a step in the right direction. It will help put America back on track.

It invests in research by doubling the support for research at the Department of Energy and the National Science Foundation over the next 7 years, and will increase funding for the National Institute of Standards and Technology as well.

It invests in innovation by creating a President's Council on Innovation and Competitiveness to determine the most effective ways to create jobs and move our economy forward.

Above all, it will invest in education, especially in math and science, engineering, and technology from the elementary school through high school and beyond, in order to attract more young people to pursue careers in these fields in the years ahead.

The problem today is especially serious for our low-income and minority students. Teachers are the single most important factor in improving student achievement and narrowing the achievement gap. One study found that having a high quality teacher for 5 years in a row can close the average 7th grade achievement gap in math between lower income and higher income children. Yet too often, low-income and minority students are taught by the least prepared, least experienced, and least qualified teachers. Math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field.

We know what we need to do, and this bill will help us do it. We must make sure all students are getting the teachers they need and deserve in the subjects that matter most in the new economy.

This bill addresses the teacher challenge head on by taking strong steps to ensure that all children have access to a high quality teacher with strong content knowledge in math, science, engineering and technology—particularly in high need schools, where such teachers are needed most.

The bill expands the Robert Noyce Teacher Program of the National Science Foundation, NSF, by creating a new NSF teaching fellows program to prepare accomplished math, science, technology and engineering professionals to teach in high need schools. It also creates a master teaching fellows program to leverage the talents of the best teachers to improve instruction in high need schools. Teaching fellows in the program will receive annual salary supplements of $10,000 a year in exchange for a commitment to teach for at least 4 years in a high need school.

The bill also expands the Teacher Institutes for the 21st Century Program at NSF, which provides cutting-edge professional development programs throughout the school year and during the summer for teachers in high-need schools.

In addition, the bill supports impressive new programs in colleges and universities to prepare math, science, technology, engineering and foreign language teachers. These programs will combine bachelor's degrees with concurrent teacher certification in their subjects, and will create master's degree programs for teachers to improve their knowledge in these subjects and to encourage math and science professionals to go into teaching.

Too often today, elementary and secondary school standards are not aligned with the expectations of colleges and employers. In many cases, high school graduates are struggling to keep up in college and the workplace. Remedial education and lost earning potential costs the Nation $3.7 billion a year, because so many students are not adequately prepared for college when they leave high school.

Our bill will help States align their standards with the demands of the 21st century workplace. Grants to States to create P–16 Councils will bring the elementary and secondary schools, college, businesses, and the Armed Forces together to ensure that education standards are better aligned with the expectations of colleges, the workforce, and the military. This alignment is essential if we hope to remain internationally competitive. Support will also be available for new data systems in states to track students' achievement and help them graduate prepared to succeed.

The bill will help give students in low-income districts the same opportunities as those in wealthier districts to enroll and succeed in college preparatory classes by expanding access to advanced placement and international baccalaureate classes.

This bill invests as well in foreign language education, to ensure that students are exposed to foreign languages and cultures. More than 80 Federal agencies now use tens of thousands of employees with skills in 100 foreign languages, and our businesses need the same.

For students to become proficient in foreign languages, they need sustained study, beginning in the early grades. But only a third of students in grades 7 through 12 today and only 5 percent of elementary school students study a foreign language. The bill provides grants to colleges and local educational agencies to create partnerships for students from elementary school through college to study such languages.

Finally, the bill will encourage new interest in nuclear science. Massachusetts has long been a leader in this research. Of three dozen licensed research reactors in the United States, three are located in Massachusetts universities The University of Massachusetts in Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have an increasingly important role as nuclear science expands, and our bill will expand existing programs and establish new ones to meet the growing demand.

All of these programs and investments are designed to help prepare us to compete in the 21st century, but there is more we must do if we intend to keep our nation and our workforce truly competitive. Significant new investments are needed to expand opportunities for higher education. College is more important than ever today, but it is also more expensive than ever. In the Senate 2 weeks ago, we passed the largest increase in student aid since the G.I. bill, and I look forward to delivering that aid for low-income students as quickly as possible.

We must also address the increasingly demanding impact of the global economy on American workers and their families. Our hard-working men and women deserve greater job security today and greater job opportunities in the future.

This bill puts first things first. Increased investments in education, research, and innovation are indispensable to our success as a nation. We have done it before and we must do it again. Let's begin with this bill.

Mr. ROCKEFELLER. Mr. President. I want to add my thanks and congratulations to the conference leaders and the dedicated staff for completing the negotiations on the America Competes Act. This legislation is an important investment in our Nation's strategy to promote competitiveness. It is a bipartisan package with broad support, based on the National Academy of Sciences report known as The Gathering Storm. Many members deserve our thanks and praise, and the report is a strong example that Congress can come together to develop comprehensive public policy.

America Competes is a comprehensive package that includes major sections covering math and science research and education initiatives. I am particularly pleased and proud that the legislation will reauthorize the National Science Foundation, NSF, at $22 billion from fiscal 2008 to fiscal 2010, to support several grant programs intended to encourage more students to teach math and science, as well as grants for college and graduate student science research. I have worked long and hard on programs within NSF. This bill supports the principle that the Experimental Program to Stimulate Competitive Research, EPSCoR, increases in proportion with the overall budget of NSF. Earlier this year, I introduced a bipartisan bill, S. 753, the

EPSCoR Research and Competitiveness Act of 2007 which makes a similar recommendation. In my view, if our country seeks to broadly promote competitiveness, every state needs to be part of the effort. The EPSCoR program helps enhance the competitiveness of the 24 States, including West Virginia, that have historically not received as many NSF grants. The NSF continues its strong, peer-reviewed, merit-based competitive grants, but underserved States get support to achieve NSF's high standards.

EPSCoR is an essential part of our national competitiveness strategy. Our country will not do as well if only half of our States are competitive. It is also important to recognize that the EPSCoR States are home to 20 percent of the population and 25 percent of doctoral and research universities. Our States host 18 percent of academic scientists and engineers, and their institutions train nearly 20 percent of science and engineering graduate students. Even more interesting is the fact that 7 of the top 10 energy producing States are EPSCoR States. To be competitive, we must continue to invest in the EPSCoR program and our EPSCoR States for the long term. It is good for the States, but it is also a fundamental building block for our national policy. EPSCoR will enhance science and competitive which will help increase the number of scientists and engineers. It will encourage good science projects in States with unique aspects such as energy resources, proximity to our oceans, and other helpful scientific resources.

Two other programs that received generous support in the final package are the NSF's Math and Science Partnerships and the Noyce Scholarships. Both initiatives were including in the 2001 reauthorization of the National Science Foundation. Having sponsored legislation years ago to develop both programs, I am thrilled by current success of the programs in training teachers and recruiting top math and science majors into teaching. Expanding these programs will help improve math and science education which will be the cornerstone for our future competitiveness. This is a good investment for the future of West Virginia, and our entire country.

Mr. SCHUMER. Mr. President, I rise today in support of the America COMPETES Act. I applaud the bipartisan group that put together the America COMPETES Act, an extraordinary bill that will provide invaluable resources to ensure that the United States does not lose step with our global competitors.

We live in a global marketplace and if our students are to compete with students from around the world, they must have the benefit of a first rate math and science education taught by first rate math and science teachers. This new program will vastly improve the chance that our high school students are taught math and science by the best and the brightest.

That is why I am particularly proud of one provision that I authored that has been included in this conference agreement. This provision will establish a new program called the National Science Foundation Teaching Fellowship within the Robert Noyce Teacher Scholarship Program. I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ALEXANDER and ENZI for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support.

The provision creating the NSF Teaching Fellowship is modeled on a bill I introduced last Congress, the Math and Science Teaching Corps Act. The Math and Science Teaching Corps was in turn modeled after a highly successful New York City program called Math for America.

Math for America's mission is to improve math education in our Nation's public schools by recruiting top math and science college graduates to become teachers and providing financial incentives to make these jobs competitive with the graduates' other opportunities.

The program has made tremendous strides. Over 100 teachers teach in nearly 60 New York City public schools. By 2011 the program will support at least 440 teachers. I can only hope that the new NSF Teaching Fellowship will be so successful.

The NSF Teaching Fellowship program is about paving the way for the future. It will ensure that leaders in math and science train the next generation of innovators—instead of leaving the classroom for research or other jobs. This model program is working in New York City, and now, with the America COMPETES legislation, it will be expanded to the rest of the country.

We need this program to reverse a dismal trend. Our students are not currently prepared to compete in a technology-intense economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries—here in the U.S., in math, 24th out of 29. How can we compete when our students are falling behind?

A 2005 mathematics assessment of twelfth graders by the National Assessment of Education Progress found that 61 percent of high school seniors performed at or above the basic level, and 23 percent performed at or above the proficient level. For science, 54 percent of twelfth graders scored at or above the basic level. Eighteen percent performed at or above the proficient level. This is unacceptable.

Students currently studying math and science will be the fuel that powers our economy for the next century, and we must give them every chance to achieve, excel and thrive. The NSF Teaching Fellowship is a significant step.

Inspirational and brilliant teachers will make an enormous difference. To attract these role models, we need to level the playing field, and ensure that these future teachers can afford to teach. Only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers.

The NSF Teaching Fellowship will help reduce these barriers. The program's structure has a rigorous selection process and incentives built in to improve retention. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF master teaching fellows. Master fellows are current teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

We all agree that every child deserves effective, high-quality professional teachers. And there are thousands of wonderful teachers in our country. But we need more. Without them, children will have difficulty reaching the high standards we want them to achieve. The federal government has long worked to ensure that all children have equal access to a quality education, no matter where they live. We must encourage and fund well-designed programs, such as the NSF Teaching Fellowship to incite rapid improvement in the quality of the Nation's future teaching workforce.

I urge all my colleagues to support this monumental bill, the America COMPETES Act.

Mr. ENZI. Mr. President, I rise today to speak about the importance of supporting the conference report on the America COMPETES Act. This report represents a unique bipartisan, bicameral collaboration among three committees on the Senate side and our House counterparts to enhance American competitiveness in the 21st century global economy.

This conference report demonstrates that when we set partisan politics aside and work together, we can do great things for the American people. The core of this conference agreement is the Senate's America COMPETES Act, which was the product of bipartisan negotiations and input from the Members of the Senate Commerce, Energy, and Health, Education, Labor and Pensions Committees. Work on this legislation began last year in response to the National Academy of Sciences report ''Rising Above the Gathering Storm,'' which was chaired by Norman Augustine, the ''Innovate America'' report, and the President's American Competitiveness Initiative. I want to thank all those who worked on this legislation for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

The focus of the programs in this bill is where it should be: on the knowledge and skills the American people need to have to be successful in the 21st century global economy. I am pleased we were able to keep education as one of the key priorities in this legislation. However, I have said consistently from the beginning that I wanted to hold programs to reasonable funding levels and to avoid duplication of programs. I think we could have gone further toward reducing duplication and overlap of programs, but this bill represents a strong bipartisan, bicameral effort and moves us in the right direction.

Why is this important? This year marks 50 years since Sputnik was launched. That launch sparked huge turmoil in this country and worry about the knowledge and skills necessary to keep our country safe and our economy growing and competitive. I was in junior high at the time. It was a shock to our Nation. Every one of us could recognize it—teachers, parents, and, probably as important, students, recognized it. Russia was beating us. They had put a satellite into orbit. It was hard to accept that we were behind. But it also brought out that American competitive spirit. We said they were not going to beat us. It launched a change in education such as we had not seen in the United States in decades, maybe centuries.

We were ultimately the winners of the space race, but it wasn't just a space race; it was an education race. It was the broad range of education that the United States delved into and the innovation that was brought about at the time that put us ahead of Russia.

Sputnik had a dramatic effect on our education system and made us recognize that a high school diploma was no longer just a nice thing to have. We could no longer rest on our past successes as a nation. We met the challenge of Sputnik through the National Defense Education Act. We looked to education as a path to continued success, and we supported an increase in the number of people who would continue their education beyond high school, particularly in science, technology, engineering, and mathematics.

Today, we are again being challenged. In the 1950s, skilled jobs comprised 20 percent of the U.S. job market. In 2000, 85 percent of all U.S. jobs were categorized as skilled. For millions of Americans, access to an affordable college education is the key to their success in the 21st century global economy. The United States has one of the highest college enrollment rates but college completion rate is average to below average among developed countries in the world. Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education.

We have a huge challenge, not just in K–12 and higher education but in continuing education. It is estimated the average person leaving college will change careers 14 times. I didn't say ''change jobs'' 14 times, I said ''change careers'' 14 times. Of those 14 career changes, 10 of them don't even exist now. That is the pace at which things are accelerating.

So we are educating people for a level of jobs that do not exist at the present time. That is quite a challenge. Technology is demanding that everybody continue to learn and gain skills to remain competitive in the workplace. Learning is never over; school is never out. Those who do not get the knowledge and the capability to make the transfer to new careers will be left behind. We do not want that to happen. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. Every American can and should be part of our Nation's success.

Because higher education is the on-ramp to success in the global economy, it is our responsibility to make sure everyone can access that on-ramp and reach their goals. This bill includes provisions that improve science, mathematics, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

The American system of higher education is renowned throughout the world. I can attest to that after having gone to India. I saw how their educational system works and how it is becoming very competitive with the United States. In India, only 7 percent of their children go on to higher education. That creates a very high level of competition among students to get into higher education. Despite the rigorous emphasis on science, mathematics, engineering and technology, however, India continues to send its graduate students to the United States because it is here that they learn creativity and innovation.

In most of the other countries around the world they learn the basics, can do excellent calculations and have a vast amount of rote knowledge. But what our colleges specialize in is teaching people to think, to come up with new ideas. To date, that is what has kept America ahead. However, the success story of American higher education is at risk of losing the qualities that made it great, which are competition, innovation, and access for all, if we do not invest in those core principles.

It is important to ensure that more students enroll in college prepared to learn and that more students have the support they need to complete college with the knowledge and skills to be successful. Slightly less than one-third—31 percent—of all public high school students are prepared for postsecondary education, as demonstrated by the academic courses they pursue. Well-prepared and well-supported students are more likely to persist to a degree completion and obtain the knowledge and skills they need.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education institutions and obtain or improve their knowledge and skills. The decisions we make about education and workforce development will have a dramatic impact on the economy and our society for generations to come.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America's competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success.

Our Nation needs to make sure that every person has the opportunity to access quality education and training throughout their lives, which is why the America COMPETES bill is only the beginning. I remain committed to reauthorizing the Higher Education Act, the Head Start Act, and the Workforce Investment Act. In addition, we need to focus our efforts on taking

what we have learned from 5 years of experience to improve the No Child Left Behind Act. Together these laws form the path for success, so that every American can have the knowledge and skills necessary to be successful in the 21st century global economy, which is only going to become more competitive.

The call for education and skills training is loud and clear. Ingenuity, knowledge, and skills are a beacon for jobs; therefore, we must keep the beacon of innovation shining brightly on our shores. I ask my colleagues to support passage of the conference report on the America COMPETES Act and to work with me to move the companion education and workforce bills through Congress this year.

Mr. HUTCHISON. Mr. President, I rise to express my support for the conference report on the America COMPETES Act, and I congratulate Senators BINGAMAN, ALEXANDER, DOMENICI, ENSIGN, KENNEDY, ENZI, INOUYE, STEVENS, and NELSON and their staff for their tireless and dedicated work to bring this vital and important legislation to final passage.

There is much in this legislation that will enable the United States to secure its leadership position in science, technology, engineering and mathematics education and enhancing our competitiveness and capacity for innovation.

I am especially pleased that the conference report contains the language I included in the original Senate bill, reported last year by the Commerce Committee and eventually incorporated into S. 761, as passed by the Senate.

That provision directs that NASA be included in activities collectively referred to as the American Competitiveness Initiative, or ACI. This corrects what many of us believe was a serious oversight in the original announcement of the ACI, which failed to recognize the long-standing history of NASA's role in inspiring young people to pursue academic and professional careers in science and engineering.

The report also contains new language recognizing the potential contribution to education and competitiveness that can be made by the International Space Station National Laboratory and directs NASA to develop specific plans to realize that potential.

I look forward to working with Senator BILL NELSON, chairman of the Subcommittee on Space, Aeronautics and Related Sciences, in drafting reauthorization legislation for NASA next year, in which we can provide more specific authorization and guidance for NASA in fulfilling its important new role as part of the ACI.

This report also provides vital new authority to the Department of Energy, the Department of Education, the National Institute for Standards and Technology, NOAA, and the National Science Foundation to enable them to address the pressing national needs in science, technology, engineering and mathematics education and enhancing the Nation's competitiveness and innovation capabilities.

It is vital that the new provisions provided by this legislation are used as they are intended. This legislation includes generous new authority for appropriations for the Departments of Energy and Education and for NIST and the National Science Foundation. These additional spending limits are not provided to enable them to continue to do business as usual at an increased level of spending.

My single concern about the conference report is the action taken by the conference to modify section 7018. That provision, which was an amendment I offered during the markup of S. 1280, the original Senate Commerce Committee portion of what became S. 761 and was preserved in the conference chairman's mark considered in the conference, provided that the National Science Foundation take into account the degree to which proposed research contributed to the needs of innovation, competitiveness, the physical and natural sciences, technology, engineering and mathematics. At the same time, that provision included language—consistent with the recommendations of the report ''Rising Above the Gathering Storm''—that such prioritization not be used to inhibit investments in other important areas of research or scientific endeavor.

Despite that limitation, the conference adopted an amendment to that section which, essentially, includes virtually all research conducted by the NSF in the prioritization, including research that may or may not contribute to meeting the critical needs outlined in that report and which inspired the creation of this legislation. The awarding of such a ''blank check'' to NSF removes any assurance that the expanded authority and resources provided through this legislation will actually be used to carry out the purposes for which they have been granted.

While I am disappointed with this change, I am very much in favor of adopting the report. But as a member of the Commerce Subcommittee on Science and Innovation, and the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, I will closely follow how the National Science Foundation implements the authority granted by this legislation.

By passing this report, Congress will have taken an extremely important and significant step toward meeting what are clearly and widely recognized as critical national needs. We cannot let that step be compromised by allowing a business-as-usual approach by the departments and agencies we are tasking to meet those needs.

Mr. PRYOR. Mr. President, I would like to join my colleagues in congratulating Senator ALEXANDER of Tennessee for his hard work and his great legislative success on this piece of legislation which passed the Senate tonight. I will just remark, if I may, that once again he has proven himself to be an effective leader and a thoughtful legislator. He is really the kind of Senators who is putting America first and trying to get great things done. And, obviously, you can tell by his speech that he is sharing credit with anybody and everybody.

We all know that it was Senator LAMAR ALEXANDER's hard work and dedication that made that legislation a reality.

BUDGET INFERNO

Mr. CRAIG. Mr. President, I would like to take 10 minutes to talk about a situation that is happening in the West. I thank my colleagues for giving me that opportunity.

I spoke last week, and the background of my speech was this graph called a Budget Inferno. I was en route to Idaho to look at a fire complex known as the Murphy Fire Complex. That is now under control. In other words, a perimeter is around the fire. It happens to be 1,038 square miles of fire, nearly 700,000 acres, and $6.6 million spent. Type 1 teams, 2 of them; 24 crews, 1,230 personnel; 120 engines, 5 helicopters, 27 water tenders, and 10 dozers.

The firefighters who went in harm's way to work and stop this fire were gallant and I honor them. As I speak, there are literally thousands of young men and women out on the fire line in Idaho and Montana and parts of Nevada and elsewhere standing in harm's way to stop raging wildfires that are devastating the West.

This was the largest fire Idaho has had in literally decades. It is now the largest single fire this year in total acreage. Why did it happen? Is there a reason? Was it simply the hot weather or are there other reasons that are creating these huge infernos of wildfire across the West as we speak?

Last year, 10 million acres burned. This year, it appears we are on schedule to have an even greater fire season than we had last year. A month ago, I put a half a billion more dollars in the Interior appropriations budget to fight fire. My guess is when we get back in September, I and others will be on the floor asking for supplemental spending to pay for more wildfire devastation.

The good news, in the great tragedy of the Murphy Fire, was that no one was killed. There were four firefighters injured, there were hundreds of cattle burned up, hundreds of sheep, probably hundreds of wildlife that we simply do not know about.

But we have this huge area, some 600,000 acres that will be of no use to anyone, including cattle grazing, including wildlife, for a period of several years. It is totally burned out. I flew over it in a helicopter with our Governor and Senator CRAPO. None of us has ever experienced anything like that. You fly for half an hour at 100-plus miles an hour across a firescape, and all of it is black, the hilltops, the valleys, no trees, nothing left.

Here is what happened a few years ago. Here is what is happening now in the West. We ought to be doing something about it. Two years ago, there was a fire out there, 200,000 acres right in the same area. We rehabbed it. We grassed it, and the BLM said you cannot graze it for a couple of years now. Cattle might damage it.

Then there was another fire last year, 60,000 acres right beside it. We rehabbed it. We seeded it. You cannot graze it. At least that is what the scientists say. That is not what those who have lived out there for a hundred years say. We left it alone and the fuel built up.

Then we had someone sue us to protect the sage grouse habitat and the slickspot peppergrass, and a judge ruled. So we stopped grazing on half of that area, and the fuel built up.

Now, we are in a fire scenario, with temperatures in the West that we have never seen. So we had 3 weeks of 100-degree temperatures in the Boise Valley, and the dewpoint dropped to nearly zero. You know the rest of the story because I told you that story.

An unprecedented fuel buildup because a judge, and what I now call ecoterrorists, are destroying the landscape by not allowing reasonably managed, multiple-use approaches to our management. That is why the fire destroyed what it destroyed.

An unprecedented fuel loading is on the grasslands of our country. Now, because it is a little hotter, it is a little further into the summer, our timberlands are starting to burn. They, too, are loaded with fuel, and they will burn at unprecedented rates as they did last year and the year before and the year before that.

Here we are spending billions of dollars and destroying millions of acres of wildlife, watershed, wildlife habitat, all of those things combined. Our courts are saying: Get the people off the land, get the livestock off the land, rule in the favor of single-use management, here, there, and everywhere, tying the hands of our managers at the BLM and the Forest Service level, denying them the right to use their knowledge, use their scientific understanding for reasonable flexibility in the management we so desperately need.

That is the story of the Murphy Complex; that is the story of nearly 700,000 acres of total destruction; $6.6 million, and by the time we are done rehabilitating it, it could go to nearly $8 million.

Is there something we can do about it? Well, there will be interest groups who will rush back here, and in the name of the environment say do nothing—in the name of the environment.

Please, let us do something. Because the habitat the judge and the ecoactivists argued for to save the sage grouse and the slickspot peppergrass is no longer there. The enemy, some were the cattle that were grazing, they are no longer the enemy. The fire has become the enemy and that which they who ruled sought to save is now gone.

That story that I have related to you, whether it is played out in the Murphy Complex in Idaho and Nevada, or whether it is in Northern California, or whether it was in the Tahoe Basin this year, or whether it is in Eastern Oregon, or whether it is in the mountains of Idaho, will be played out and millions of acres will burn and billions of dollars will be spent and homes will be destroyed and we will say: Gee, I think we got a problem.

Congress will fail to respond and act to give our managers the flexibility, and we will continue to allow judges in the Ninth Circuit and environmental interests to game us and create these single, unique special kinds of management units that are impossible in any way to manage.

I wanted to relate to you this story. The State BLM director, our Governor, myself, and my colleague, Mike Crapo, flew over this devastation. In the terms of a cowboy who has lived out there all his life and his father before him and his father before him:

> Senator, you ain't never seen anything like this one.

And, boy, we have not. The great tragedy is, more will come, and more is burning now. Several fires are burning in Idaho. We are already nearly over a million acres in my State alone. Yet our hands are tied by a bureaucracy that is strangled by court decision after court decision because Congress will not act in the name of the environment.

We have been scared into environmentalism instead of good and reasonable management. We are allowing our courts and our activist organizations to create the wildfire which has become a budget inferno.

So the reason I give this speech now is because we have entered the fire season. August is our fire season. September is our fire season. My guess is I will be returning as one of the members of the Appropriations Committee and the Interior Appropriations Subcommittee saying: Please, my colleagues, could we have a couple billion more dollars to fight these fires? Because we are burning up out there, and there is not much we seem to be able to do about it because we have decided to allow public land management to be turned over to the activists and the judges instead of the professionals.

Idaho burns tonight. Montana burns tonight. Nevada burns tonight, California, parts of Oregon, parts of Utah. I think it is important you hear this story and try to begin to understand that when we talk about balance and flexibility, you help us get there so we do not have to spend our budget in a useless and irresponsible way.

TRIBUTE TO ELIZABETH S. RUNNER

Mr. MCCONNELL. Mr. President, I rise today to honor a respected Kentuckian, Mrs. Elizabeth S. Runner. On August 25, Mrs. Runner will turn 100 years old.

Mrs. Runner was born in Arkansas and moved to Warren County, KY, when she was just an infant. Her early years were not without struggle. She lost her father at the age of five, and her mother died during the flu epidemic that swept across the country in the early part of the last century. She was raised by her maternal grandmother.

At an early age, Mrs. Runner recognized the importance of a good education, and she pursued her passion for teaching. In 1925, she began her teaching career at Indian Creek, a one-room school in northern Warren County. She later transferred to the Richardsville School, where she taught until 1965. Over the course of her 40-year teaching career, she touched the lives of many Kentucky schoolchildren and their families.

In addition to being a devoted teacher, Mrs. Runner is a wife, mother, grandmother, and great-grandmother. She married J. Elvis Runner on June 28, 1930, and they were happily married until his passing in 1997. They raised two sons, Randall S. Runner and Phillip J. Runner. She has one granddaughter, Karen Elizabeth Runner, and two great-grandsons, Kory and Wren.

Mrs. Runner is a woman of faith and a founding member of the Rays Branch Church of Christ congregation. Kentuckians admire Mrs. Runner for her dedication to teaching, her family, her faith and her zest for life. I understand that Mrs. Runner's family and friends will gather on Sunday, August 26, to celebrate and honor her reaching the rare and marvelous milestone of a 100th birthday. I ask my colleagues to join me in sending Mrs. Runner wellwishes and congratulating her on her centenarian status.

AMERICA'S CRUMBLING INFRASTRUCTURE

Mr. DODD. Mr. President, I rise today in the wake of the terrible tragedy that began unfolding yesterday in the Twin Cities region of Minnesota.

As we all know by now, the bridge carrying Interstate 35W over the Mississippi River near downtown Minneapolis abruptly collapsed during yesterday evening's rush hour. At least 50 vehicles plunged 60 feet into the river. This morning, several people are confirmed dead, dozens of people are injured, and almost two dozen people remain missing. Sadly, first responders expect the death toll to rise as search and rescue missions continue today in earnest.

I would like to extend my thoughts and prayers to Senator COLEMAN, Senator KLOBUCHAR, and all those directly affected by this tragedy. The people of Connecticut can sympathize with the people of Minnesota at a time like this. Just over 24 years ago, a bridge carrying Interstate 95 over the Mianus River in Greenwich, CT, collapsed in the early afternoon. Four vehicles plunged into the river, three people

died, and three others sustained serious injuries. It remains the worst transportation disaster in my State's history.

Today, the National Transportation Safety Board will begin investigating the bridge collapse in Minnesota. While it is too early to conclude what exactly caused the collapse, we do know that a catastrophic structural failure of some sort occurred. We also know that this truss bridge was constructed in 1967 and—according to an interview on National Public Radio this morning—likely nearing the end of a 50–year operational lifetime.

The tragedy in Minnesota is the most recent example of our national infrastructure crumbling before our very eyes. Indeed, this is not a problem only affecting Minneapolis or Greenwich or—in the case of the recent steam pipe eruption—New York City. It is a problem affecting every State, county, city, and community between San Diego, CA, and Bangor, ME. For too long we have taken our infrastructure systems—our roads, bridges, mass transit systems, drinking water systems, wastewater systems, and public housing properties—for granted. For too long we have failed to invest adequately in their long-term sustainability. And today, we find ourselves in a precarious position concerning their future viability—a precarious position that is costing lives, endangering lives, and jeopardizing the high quality of life we have come to enjoy and expect as Americans.

According to the American Society of Civil Engineers in their seminal 2005 Infrastructure Report Card, the current condition of our Nation's major infrastructure systems earns a grade point average of D and jeopardizes the prosperity and quality of life of all Americans.

According to the Federal Highway Administration, 27.1 percent of all bridges are structurally deficient or functionally obsolete. The average age of bridges in our country is 40 years. Thirty-three percent of all urban and rural roads are in poor, mediocre or fair condition. Data from the Federal Transit Administration shows our mass transit systems are becoming increasingly unable to handle the growing demands of passengers in a safe and efficient manner. A significant percentage of our Nation's drinking water and wastewater systems are obsolete; the average age of these systems ranges in age from 50 years in smaller cities to 100 years in larger cities. Clearly, these statistics are alarming and they are not getting any better.

In their Infrastructure report Card, the American Society of Civil Engineers estimates that $1.6 trillion is needed over a 5-year period to bring our Nation's infrastructure systems to a good condition.

Regrettably, our current infrastructure financing mechanisms, such as formula grants and earmarks, are not equipped by themselves to absorb this cost or meet fully these growing needs. They largely do not address capacity-building infrastructure projects of regional or national significance; they largely do not encourage an appropriate pooling of Federal, State, local and private resources; and they largely do not provide transparency to ensure the optimal return on public resources.

Early yesterday afternoon, on, I joined with my colleague, Senator HAGEL, in introducing bipartisan legislation to establish a new method through which the Federal Government can finance more effectively large ''capacity-building'' infrastructure projects of substantial regional or national significance by using public and private capital. I will say to my colleagues that our legislation focuses on the long-term capacity and sustainability of infrastructure facilities just like the bridge that carried Interstate 35W over the Mississippi River.

Fixing our Nation's crumbling infrastructure is an issue that cannot be neglected or deferred any further. This demands our immediate attention and commitment in the Senate. The quality of life in our country hangs in the balance.

Again, I extend my thoughts and prayers to those in Minnesota.

ETHICS REFORM

Ms. KLOBUCHAR. Mr. President, following the tragic collapse of the 35W bridge in Minneapolis that took place yesterday, August 1, 2007, I returned to Minnesota this morning to learn all of the facts, and pledge the necessary Federal resources for the victims, the investigation, and the repair. By returning to Minnesota, I was, unfortunately, unable to be in Washington, DC, to vote on the motion to invoke cloture on the motion to concur in the House Amendment S. 1; and the motion to concur with the House Message to S. 1. Had the tragedy in my State not taken me back to Minnesota, I would have voted for the motion to invoke cloture as well as the underlying bill. In short, I would have voted to change the course in Washington.

When I arrived in Washington in January, my husband, daughter and I pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain that I found in the basement from 1980. But we brought a little more than dishes and shower curtains. We brought a commitment for change something the people of our State Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness: A notion that all people should be on equal footing in the halls of Congress.

But they can't be on equal footing when their elected representatives are selling their votes for trips to Scotland or have cash in the freezer. They can't be on equal footing unless this new Congress delivers real, meaningful ethics reform.

That's why I came to Washington back in January and why I am delighted to see that the Senate passed a strong, bipartisan ethics reform package today.

Instead of maintaining business-as-usual, this ethics legislation will bring meaningful and robust reform in a number of critical areas.

Among other things, this legislation will bring about more transparency for lobbyist bundling and political campaign fund activity; greater transparency in earmarking; a strong lobbyist gift ban; meaningful limits on privately funded travel; strong revolving door restrictions; and expanded public disclosure of lobbyist activities.

Stated simply, these reforms are needed and they are needed now to restore the American public's faith in the integrity of their government as well as their elected representatives.

It is hard to exaggerate the importance of what's at stake.

Ethics is woven into the very fabric of how our government does business. And ethics reform goes to the very heart of our democracy, to the public trust and respect that's essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider—whether it's energy policy, or health care reform, tax policy, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependence on foreign oil; health care costs that have spiraled out of control; global warming that threatens the future of our environment and our economy; a mounting national debt; and a growing middle class squeeze.

I believe that there are solutions to these challenges. We can achieve energy independence by investing smart and having some guts to take on the oil companies. We can get this country back on the right fiscal track, and move forward to more affordable health care. We can deliver much-needed and long overdue relief to the middle class. These are the things that the people of Minnesota sent me to Washington to fight for.

The people of Minnesota also sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington where the rules are tilted against them and where the interests of well-connected lobbyists come at the expense of the interests of the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they've failed to invest in renewable energy. When our health care legislation is written by the drug companies, we all pay more because they've banned negotiation on prices. The people of this country know corruption when they see it and they saw last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending. It also erodes public trust in the integrity of our government institutions, our elected leaders, and the law-making process itself. We the American people know what we want from Washington. It is this: a government that's focused on doing what's best for our nation, and on securing a better and more prosperous future for the people.

This reform legislation gets us there. By passing this legislation, we will make a positive difference in how Congress performs its duties—and these reforms will send a strong, clear message to the American people that we are here for them and focused solely on representing their interests.

And that's the way it should be.

FDA REAUTHORIZATION BILLS

Mr. KENNEDY. Mr. Presdient, as my colleagues know, the Senate passed S. 1082, the FDA Revitalization Act, on May 9 by a near-unanimous vote. The House passed its version of this legislation, H.R. 2900, the FDA Amendments Act, on July 11, also by a near-unanimous vote. Staff of the Senate HELP Committee and the House Energy and Commerce Committee has worked many, many hours a day, 7 days a week, to get to a bipartisan, bicameral agreement on the FDA reauthorization bills.

Working together with Senator ENZI, we have already made a great deal of progress. We have reached agreement or near agreement on several titles and have narrowed the gap on most others. Important issues remain to be resolved, but we will do the work we need to do to have an agreement for the House and Senate to consider in September.

I thank our majority leader, Senator REID, for his leadership and support throughout this process and for making this important legislation an early priority in the Senate. While we were unable to appoint conferees today, our bipartisan deliberations will continue through August, and I hope we can name conferees in September and finalize this legislation that is so important to the safety and health of all Americans.

I also commend my colleagues on both sides of the aisle, from both the House and Senate. They have a deep knowledge of the issues presented by these bills and have been strong advocates of different positions on some of the issues. I believe this process has improved the legislation and will continue to do so and that it will produce an FDA reauthorization bill that the House and Senate can again endorse with broad, bipartisan support.

DROUGHT IN THE STATE OF DELAWARE

Mr. BIDEN. Mr. President, I rise today in support of the farmers in my State of Delaware, and those in other parts of the Nation, who are looking out their windows and seeing the damage caused by a drought. This is the time of year when corn is at its best, at its sweetest, but in Delaware, specifically in Sussex and Kent Counties, where agriculture is king, my guys are in trouble. On some farms, corn is half the size it should be, brown and withered, stalks, with no ears of corn. Losses, I have been told, are 50 percent of the crop or even 100 percent of a farmers total crop. Soybeans are also in jeopardy. And we are facing a forecast with little or no rain.

As I have been telling my colleagues, for more than three decades, agriculture is an enormous and vital part of my State. Delaware is an agricultural State. Almost 50 percent of our total acreage is farmland. Sussex County, the southernmost county in my State, is the largest poultry producing county in the entire country. Delaware is first in production value per farm and first in cash receipts per acre. We are ranked No. 2 in lima bean production, and we have 200,000 acres of soybeans and 175,000 acres of corn.

Sadly, this is not the first time that my State has faced a severe drought. In 2002, our farmers faced similar circumstances and suffered major losses. When a severe drought strikes, the impact on the economy, the environment, and the agricultural sector can be devastating. USDA's assistance during these crucial periods help the livelihoods of our farmers in Delaware.

Farmers, always at the mercy of the weather, are constantly faced with decisions of how to best manage risk. With Delaware soil, irrigation is oftentimes an option, but it is an expensive one which can be daunting to a farmer trying to make a profit. Another tool which farmers look to is crop insurance. Throughout my tenure in the Senate, I have supported incentives to make such tools attractive and affordable to farmers.

Bur for now, our Governor has started the process that triggers Federal assistance by calling for the Delaware Farm Service Agency to survey the crops. Because it is essential that the State, or specific counties, be designated as crop disaster areas to make farmers eligible for Federal disaster assistance, I am hopeful that they complete the process soon. If disaster assistance is needed, I hope the Secretary of Agriculture will move swiftly to help.

CLIMATE CHANGE

Mr. BINGAMAN. Mr. President, I seek recognition today to engage in a colloquy with a number of colleagues who have been true leaders on one of the most challenging issues facing the world today climate change.

As I stated on the floor several weeks ago, the time for action is now. According to the latest scientific findings of our world's leading experts—the Intergovernmental Panel on Climate Change—the confidence that humans are altering earth's climate has reached 90 percent certainty.

It is with this sense of urgency that I recently introduced, along with Senator SPECTER, the Low Carbon Economy Act of 2007. S. 1766—which is also supported by Senators AKAKA, MURKOWSKI, CASEY, STEVENS, and HARKIN—is the product of over 2 years of deliberation and analysis and enjoys the support of many in industry, labor and conservation.

Senator SPECTER and I are convinced—and I believe my good colleagues from Connecticut and Virginia would agree—that legislation can only attract the bipartisan support needed to put the United States on a path to a low carbon economy if it contains the following: No. 1. mandatory limits on U.S. greenhouse gas emissions; No. 2, an economy-wide approach that meets the economic test of ''no significant harm''; No. 3. increased incentives to accelerate the development and deployment of low and zero emission technologies; No. 4. measures that strongly encourage our major trading partners to begin reducing emissions and that balance U.S. emission-reduction commitments with the necessity of engaging other countries; and No. 5. measures to allocate allowances under the program equitably and efficiently.

Ultimately I am optimistic about our ability to forge bipartisan resolution of all of these issues because there is now such broad agreement within this body and within the business community and the general public about the need for real progress and action on this issue. At the same time, I recognize that we have work left to do. Senator SPECTER and I today hosted a meeting among many of the Nation's leading power producers to explore some new ideas for allocating emission permits within the power sector. We were encouraged by this discussion and plan to broaden the discussion to include a wider array of consumer and environmental perspectives.

While the legislation we have introduced and the outline you are sharing today differ in some important respects, I believe that we have a great deal in common. Senator LIEBERMAN and Senator WARNER, I stand ready to work to address our differences in the interest in forging a broad consensus capable of passing legislation this year.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from New Mexico, for the enormous contribution his efforts have made to move the climate change debate forward. He has

taken the time to study and consider many of the nuts-and-bolts issues that are critical to developing a balanced approach, and we all are better informed for his efforts.

Like my friend, I stand here today very optimistic that we can forge bipartisan legislation. It is my honor to chair a subcommittee on climate change in the Environment and Public Works Committee and to have Senator WARNER as my ranking member. Senator BOXER has shown great leadership and commitment to moving climate legislation through our full committee, and I look forward to working with her and all members of our committee to report out a strong bill in the fall. Senator WARNER and I have reached agreement on the salient aspects of our climate proposal. I agree with Senator BINGAMAN's description of the necessary design elements and believe that he and others will find that the legislation we are working on in our committee embraces these same principles.

Much of the debate recently has centered on what level of U.S. emissions reductions are necessary to stabilize atmospheric concentrations of greenhouse gas emissions by midcentury to avoid catastrophic consequences. I believe that it is ultimately our moral responsibility to curb our emissions to avoid these consequences for those who follow us here on Earth. I also agree that we must ensure that our efforts to address climate change are consistent with our commitment to strengthening the U.S. economy and our economic competitiveness.

I note that some labor unions support the Low Carbon Economy Act, and while I also recognize that we are proposing approaches to cost-containment that overlap in part and differ in part, I am optimistic that we may be able to find a common way forward that will protect the environment and the economy. It is my personal belief that reducing climate pollution will ultimately provide a benefit to the U.S. economy; however Senator WARNER and I recognize that there remain many in this body who are deeply concerned about economic impacts from climate regulation. For these reasons, like Senators BINGAMAN and SPECTER, I am convinced that we must have robust cost-control measures in place in order to forge the bipartisan consensus needed for timely and aggressive action.

The world is looking toward the United States for leadership on climate change. Only with bipartisan leadership and quick action will we be able assume this leadership role. I appreciate my colleagues joining me today in this colloquy and pledge that I will work closely with them to ensure that the bill we report out of the Environment and Public Works Committee enjoys the broadest level of bipartisan support possible.

Mr. SPECTER. Mr. President, I would like to join my colleagues in commending the growing bipartisan movement to craft climate legislation that can pass this body. Senator BINGAMAN and I have been striving for some time to develop an approach that provides a deliberative and measured response to climate change. I agree with the criteria outlined today. Several of these elements were critical to my support for the Low Carbon Economy Act.

First, I represent a State that relies heavily on manufacturing and coal production. We must craft climate change legislation that will protect the U.S. economy. It is critical that we not only provide funding to develop and deploy new climate-friendly technologies, but we must also find the most efficient way to drive these new technologies forward. One aspect of the bill I sponsored with Senator BINGAMAN that I want to highlight is designed to drive the development of carbon capture and storage a technology that is critical to coal-producing States such as Pennsylvania. The bill provides a significant economic incentive to innovative companies willing to take on the challenge of building commercial-scale power plants that capture and store carbon dioxide emissions.

Second, while I agree that the United States needs to take more aggressive steps here at home to address this issue, I also believe that any legislation must include provisions to ensure that we periodically review whether other countries are taking comparable action and that we be prepared to apply pressure on nations that continue to avoid implementing emissions limits.

I believe that this is an idea we all embrace and thank the Senators from the Environment and Public Works Committee for their willingness to work with us as they move legislation through the committee. We must bring together many interest groups in the fight against global warming. Only with broad support inside and outside of this chamber will we develop a bill that can pass.

Mr. WARNER. Mr. President, I am honored to join with my colleagues in this colloquy on developing a bipartisan approach to addressing climate change. As my friend from Connecticut already stated, we have agreed on the principal outlines of a climate change proposal that we intend on moving through the Environment and Public Works Committee this fall. Climate change is a very big problem, and the solution will require a very big tent. In addition to the good work by my colleagues standing here today, we also welcome continued leadership by Senators CARPER and ALEXANDER on our committee, Senators KERRY and SNOWE in the Commerce Committee, Senators BIDEN and LUGAR in Foreign Relations, and many others.

I can say with utmost confidence that Senator LIEBERMAN and I embrace the principles for action described by our colleagues today. As always, the details matter a great deal. Senators BINGAMAN and SPECTER have clearly invested significant time and effort on this issue, and we truly welcome their input as we move legislation through the committee.

Like my colleagues, I believe that as we legislate on climate change we must be careful to protect our economy and pay special attention to those industries and regions that will bear the brunt of achieving necessary reductions. That is why last week I joined Senators LANDRIEU, GRAHAM, and LINCOLN in introducing legislation that I hope will allay the concerns of some Senators about the economic impacts of a cap-and-trade program. We have included this bipartisan measure in the proposal Senator LIEBERMAN and I have agreed to today. While I believe the cost-containment measures we have proposed present a sound basis for legislation, I, too, am open to consider a combination of efforts and ideas so long as the resulting product makes sense ecologically, economically and politically. It will not be easy, but if we can succeed in uniting our coalitions of support, I believe we will have the ability to pass climate legislation in this body.

In my 28 years in the Senate, I have focused above all on issues of national security, and I see the problem of global climate change as fitting within that focus. As with national security concerns, to succeed in addressing the threats of global climate change, we must be united at home.

Mr. BINGAMAN. Mr. President, I thank my friends and colleagues for their remarks and their commitment. We must approach this issue in a thoughtful and constructive way. It is my hope that we can take action on this issue by the end of the year. Let's not wait any longer when we know the one course of action we can't afford or defend is continued paralysis.

Mr. LIEBERMAN. I am committed to working with you and suggest that we bring our key staff together early in the recess to move this discussion forward. I think we all agree that these issues must be resolved and we can only benefit from a serious effort to try and resolve them together.

HONORING OUR ARMED FORCES

CORPORAL DUSTIN LEE WORKMAN II

Mr. NELSON of Nebraska. Mr. President, today I honor Army CPL Dustin Lee Workman II.

Upon his graduation in 2005 from Ashland-Greenwood High School in Ashland, Nebraska, Corporal Workman joined the Nebraska National Guard. His friends and family describe him as an iron-willed person, and as someone who was deeply in touch with his faith. One of his former teachers described him as a talented and creative writer. In fact, Corporal Workman, who was not yet 20 years old, composed a poem, which was set to music by one of his friends and sang at his funeral. I attended the funeral, and it was a moving rendition. The poem follows:

I am from God whose
Hand molded me with only his will.
Conceiving my innocence
As I lay dormant and still.

I am from God who knew
No limits nor fear.
Who gave up his son
Without shedding a tear.

I am from God who granted
Me my soul.
Never to be Hell's among
The others it stole.

I am from God who's my
Shepherd and Lord.
Guiding others and myself
In our herds and our hordes.

I am from God whose
Power and blessing is given as mine
Endowed into me by his hand so divine.

On June 28, 2007, Corporal Workman passed away due to combat injuries sustained from an improvised explosive device while serving in Iraq. He was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based in Fort Carson, CO.

Corporal Workman is survived by his father, Dustin, Sr.; mother, Valerie; and two younger siblings, Korey and Krysta. I join all Americans in grieving the loss of a patriot and a beloved friend, brother, and son.

SERGEANT NATHAN L. WINDER

Mr. HATCH. Mr. President, today I rise to honor and commemorate one of Utah's fallen sons. SFC Nathan L. Winder was a native of Blanding, Utah, and a member of the 1st Special Forces Group stationed at Fort Lewis, WA. I have been informed that this good soldier tragically lost his life as he and his U.S. Special Forces Quick Reaction team came to the aid of another unit that was ambushed and taking on small-arms fire in Ad Diwaniyah, Iraq.

Shortly after graduating from high school, Sergeant Winder left his home in Blanding, UT, to pursue a career in the Armed Forces. In 2006, he graduated from the special forces qualification course in Fort Bragg, NC, and earned the coveted Green Beret.

As a 2-year-old boy, he was abandoned on the steps of a courthouse in Seoul, South Korea. Shortly after, he was offered a better life and a new beginning in the loving home of Tom and Teri Winder, incredible parents of 20 children. In his parents' eyes, it was from his abandonment and subsequent adoption that he developed the fierce desire to offer others the same kind of hope that was offered him.

Throughout his life, it was clear that Sergeant Winder had a special place in his heart for children. His family remembers how he often remarked in his e-mails that Iraqi children seemed so appreciative of the little things, like a wave from a U.S. soldier, a smile, or even a small piece of candy. Teri Winder said of her son, ''He loved the children. He gave them a sense that they were cared about.'' He did everything he could to offer them the hope he so gratefully received so many years ago. He was known for always carrying toys and candy to hand out to the Iraqi children.

Sergeant Winder was a man who lived his life with a profound purpose, deeply rooted in his convictions of moral reciprocity. His greatest desire was to take the freedom afforded to him and offer it to those who had none. Tom Winder said his son wanted the people in Iraq, if only for a moment, to feel some sense of freedom, however seemingly minute its manifestation.

In addition to two wonderful parents and 19 brothers and sisters, Sergeant Winder is survived by his wife Mechelle and an 11-year-old son. This great soldier and his family will always be in my memory and prayers.

SERGEANT NATHAN S. BARNES

Mr. President, today I also pay tribute to SGT Nathan S. Barnes of American Fork, UT, who recently gave his life during a combat mission in Iraq. Sergeant Barnes was a member of the 10th Mountain Division's 4th Battalion, 31st Infantry Regiment stationed out of Fort Drum, NY.

I have been informed that 400 American flags lined the streets leading to the Sergeant Barnes's family home in American Fork. I also understand that on the day of his funeral, hundreds of Boy Scouts, each bearing a U.S. flag and standing at attention, gathered along either side of the street to honor the fallen soldier.

That is the kind of tribute this brave and selfless soldier merits.

Sergeant Barnes is remembered by his family members and fellow soldiers for his love of friends and family, and for his humor, his commitment to serving the country and his profound dedication to his faith.

Sergeant Barnes was a man who truly lived an abundant life. When not engaged in the service of his country, the soldier enjoyed spending time outdoors jogging, hiking, camping, and hunting. Friends and family recall his insatiable appetite for good literature. All of these interests and hobbies were part of Sergeant Barnes' unique way of exploring what life had to offer him.

I would submit to you this day, Mr. President, that in a time when patriotism is a virtue often overlooked and lost in the midst of the swirl of issues, Sergeant Barnes' sacrifice brings us back to the core of what it means to be a patriot. I hope and pray that his sacrifice will inspire us all to reach for new levels of excellence and citizenship, to recommit ourselves to a greater measure of devotion to family and country, and above all, to continue to pursue ways to provide for a more perfect America.

I am honored and humbled by this opportunity to commemorate the life of SGT Nathan S. Barnes. He served his country with pride and answered its call when it needed him most. I will always remember him and his family in my prayers. Our nation owes SGT Nathan S. Barnes a giant debt of gratitude and for that reason I pay tribute today to his dedicated and selfless service to our Nation.

UNITED ORPHANAGE AND ACADEMY

Mr. INHOFE. Mr. President, today I rise in support of the United Orphanage and Academy in Moi's Bridge, Kenya. As many of my esteemed colleagues know, Africa has a special place in my heart. I visit the continent several times a year to see a number of dear friends. My own granddaughter, Zegita Marie, joined our family through adoption from Ethiopia.

As we hear virtually every day, Sub-Saharan Africa is in crisis; the statistics of devastation are staggering. In 2006, 2.8 million people in Sub-Saharan Africa contracted HIV and nearly 1 million children died from malaria, according to the World Health Organization. The United Nations estimates that in the same year, there were 12 million AIDS orphans living in the region. These pandemics are further compounded by famine, unsafe drinking water, corruption, and war.

Much has been said of these heart-wrenching situations, but today my message is one of hope. During my travels, I have found Africa to be a place of beauty, courage, and ingenuity. Kenya alone is home to more than 42 distinct ethnic communities, the soaring heights of Mt. Kenya, and one of the largest drama events in Africa, the annual Kenya Schools and Colleges Drama Festival.

Embodying these characteristics, the United Orphanage and Academy cares for 40 children impacted by the HIV/AIDS pandemic. Founded in 2001, this beacon of hope lies in rural northwest Kenya, near the Ugandan border. Children ages 4 to 14 are provided with food, shelter, clean water, and quality education. One hundred students are currently enrolled in classes from prekindergarten through second grade. Moreover, the home is a place of reconciliation and unity as children from five distinct ethnic backgrounds and numerous tribes learn to work, play, and grow together.

The vision for the orphanage stemmed from humble beginnings, as conversations between Rev. Stephen Chege and Henri Rush, an elder at Westminster Presbyterian Church, evolved into a vision to ''develop a caring and spiritual space for children to live and grow when they come to the point of having no family or guardian support available to them.'' As a result, an ambitious roadmap has been set in place, encompassing everything from procuring a van for vital transportation needs to constructing additional classrooms.

Today, I would like to highlight efforts to expand this mission. Great need requires great hope, and great hope requires great action. Reverend Chege, Mr. RUSH and their partners seek to double the capacity of the orphanage to house up to 80 children. Furthermore, plans exist to expand the school to include grades K–12 and further vocational training. The philosopher Aristotle once said: ''All who have

meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth.'' In my humble estimation, the fate of Africa depends, in large part, on the education of young men and women who learn to lead their communities with wisdom and integrity.

I am filled with hope when I see individuals and communities coming together to respond to perhaps one of the greatest crises of our time, and I am encouraged when such initiatives emerge from transcontinental friendships. I believe the United Orphanage and Academy embodies the values and provides the tools necessary to equip Africa's youth to embrace a world of challenges and possibilities.

LIFTING HOLD ON NOMINATION OF DENNIS SCHRADER

Mr. WYDEN. Mr. President, on June 18, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Dennis Schrader to be Deputy Administrator for National Preparedness in the Department of Homeland Security. I did so because, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed, he would move expeditiously to implement the National Emergency Technology Guard—NET Guard program. Unfortunately, Secretary Chertoff had failed to honor that pledge.

Today, I received a letter from Secretary Chertoff describing how the Department is moving forward with 12-month NET Guard pilots beginning in September 2007, and how the DHS will be requesting funds to continue the program in its 2009 budget request to the Office of Management and Budget.

The Secretary also communicated to me that the Department of Homeland Security will be publicizing NET Guard and seeking involvement from the private sector, a step critical to the success of this vital program.

The Department has also set aside funds to run the pilots for the year and convened a working group of subject matter experts to guide the design of NET Guard. These activities and Secretary Chertoff's letter indicate that he is making a good-faith effort to get NET Guard off the ground.

In light of these actions, I will no longer object to any unanimous-consent request for the Senate to take up Mr. Schrader's nomination. I will, however, continue to closely monitor DHS's actions on NET Guard.

I ask unanimous consent that a copy of Secretary Chertoff's letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, August 1, 2007.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for taking time this morning to discuss the Department of Homeland Security's plans for the National Emergency Technology Guard (NET Guard) program. Following my June 29, 2007 letter to you that outlined our program approach, and as a prelude to our discussion, members of the Department's NET Guard team briefed your staff on our proposed plan. The positive feedback from your staff, coupled with your positive feedback this morning and the positive feedback that we have received from State, local, and private sector stakeholders, gives us confidence that we are taking the right approach to implementing this important disaster response program.

Accordingly, the Department is moving forward with plans to implement 12-month NET Guard pilots beginning in September 2007. The recommendation to establish pilots in September is consistent with the NET Guard Scoping Initiative Report, which I will provide to you upon its completion this month. To fund our efforts in fiscal years 2007 and 2008, we will continue to work with Congressional appropriators. I will also submit a request to the White House Office of Management and Budget to fund the NET Guard program in fiscal year 2009. On these and other program matters, the Department's Office of Legislative Affairs will keep your staff apprised of our progress.

I appreciate your interest and support of the Department's disaster response mission and look forward to working with you on this and other issues.

Sincerely,

MICHAEL CHERTOFF.

INTERNET GAMBLING

Mrs. DOLE. Mr. President, I would like to share a letter received by our colleagues in the House of Representatives on the issue of Internet gambling from the National Football League, Major League Baseball, National Basketball Association, National Hockey League, and National Collegiate Athletic Association. I would like to include this letter in the RECORD, which alerts us to the serious threat that H.R. 2046 poses to the integrity of American athletics, as well as our national sovereignty over gambling regulation.

Many of us on this side of the Capitol may not be aware that there are efforts afoot in the House of Representatives to legalize Internet gambling, less than a year after we enacted the Unlawful Internet Gambling Enforcement Act of 2006. I strongly supported UIGEA, and supported its inclusion in the SAFE Ports Act, so that after more than 10 years of overwhelming bipartisan support for doing something to stop illegal Internet gambling in this country, we finally have an enforcement law with teeth.

But now, before the regulations for UIGEA have even been written, international gambling interests are telling our colleagues in the House that Internet gambling can never be stopped, so we might as well legalize, regulate, and tax it. We might as well decide that everyone speeds on the George Washington Parkway, so we should just eliminate the speed limits and make it a toll road. Internet gambling is just as dangerous—its 24/7 accessibility from any location, speed, and anonymity make it the ''crack cocaine'' of gambling, leading to addiction, young people wrecking their financial futures, family breakdown, and even crime and suicide. The answer is stepping up enforcement efforts, not abandoning the law and government feeding off the trough of personal tragedy.

H.R. 2046 would license Internet gambling companies to do business with U.S. customers and override every other Federal or State law that would interfere with this business. The proponents of this legalization scheme will argue that the bill allows States and sports leagues to ''opt out'' of legalization, but don't be fooled. The ''opt-outs'' are vulnerable to legal challenge, both in U.S. courts and in the World Trade Organization. And if the opt-outs fall, H.R. 2046 would result in the greatest expansion of gambling ever enacted in the history of the United States.

The sports organizations are very concerned because H.R. 2046 would reverse decades of Federal policy by endorsing sports gambling. We have all seen in the past couple of weeks how damaging gambling can be to the integrity and image of professional sports. When a player or a referee taints the game for gambling profits, all of the participants and all of the fans are betrayed. And even when there is no fraud, pervasive gambling on a sport robs its character as family entertainment celebrating the pursuit of athletic achievement, turning it into a seedy vehicle for making money at the expense of others. Congress must not in any way endorse this degradation of our national pastimes.

I hope that my colleagues here in the Senate will join me on the lookout for Internet gambling legalization efforts and will firmly reject and rebuff any such proposals.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter prepared by the professional and collegiate sports associations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 30, 2007.

DEAR MEMBER OF CONGRESS: Sports betting is incompatible with preserving the integrity of American athletics. For many decades, we have actively enforced strong policies against sports betting. And the law on this point is consistent. Federal statutes bar sports betting, especially the 1961 Wire Act and the 1992 Professional and Amateur Sports Protection Act. Enforcement of these laws against sports betting was also a significant motive for enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).

Accordingly, we urge you to reject current proposals to legalize Internet gambling, such as H.R. 2046 sponsored by Rep. Barney Frank. This legislation reverses federal policy on sports betting and would for the first time

give such gambling Congressional consent. The bill sends exactly the wrong message to the public about sports gambling and threatens to undermine the integrity of American sports.

On a related point, we believe the Congress should not consider any liberalization of Internet gambling until the U.S. Trade Representative successfully resolves our trade disputes in this area. A rush to judgment on this subject could result in irreversible damage to U.S. sovereignty in the area of gambling regulation, including the capacity to prohibit sports bets.

Though Internet gambling on sports has never been legal, easy access to offshore Internet gambling web sites has created the opposite impression among the general public, particularly before Congress enacted UIGEA last fall. UIGEA emerged from more than a decade of Congressional consideration, in which stand-alone legislation aimed at restricting Internet gambling passed either the Senate or the House in each of five successive Congresses, each time by overwhelming bi-partisan votes. UIGEA also enjoyed a broad array of supporters, including 49 state Attorneys General and other law enforcement associations, several major financial institutions and technology companies, dozens of religious and family organizations, and of course our sports organizations.

Enactment of UIGEA was grounded on concerns about addictive, compulsive, and underage Internet gambling, unlawful sports betting, potential criminal activity, and the wholesale evasion of federal and state laws. When it passed the House a year ago, the vote was 317–93, including majorities of both caucuses and with the affirmative votes of both party leaders.

The final product was a law that did not change the legality of any gambling activity—it simply gave law enforcement new, effective tools for enforcing existing state and federal gambling laws. UIGEA and its predecessor bills could attract such consensus because they adhered to this principle: whether you think gambling liberalization is a bad idea or a good one, the policy judgments of State legislatures and Congress must be respected, not de facto repealed by deliberate evasion of the law by offshore entities via the Internet.

By contrast, H.R. 2046 would put the Treasury Department in charge of issuing licenses to Internet gambling operators, who would then be immunized from prosecution or liability under any Federal or State law that prohibits what the Frank bill permits. The bill would tear apart the fabric of American gambling regulation. By overriding in one stroke dozens of Federal and State gambling laws, this would amount to the greatest expansion of legalized gambling ever enacted.

This legislation contains an ''opt-out'' that appears to permit individual leagues to prohibit gambling on their sports. But regardless of the ''opt-out,'' the bill breaks terrible new ground, because Congress would for the first time sanction sports betting. That is reason enough to oppose it. In addition, the bill's safeguard opt-out for sports leagues as well as the one for states may well prove illusory and ineffectual. They will be subject to legal challenge before U.S. courts and the WorId Trade Organization.

In addition, this legislation would dramatically complicate current trade negotiations concerning gambling. In 1994, the United States signed the General Agreement on Trade in Services, which included a commitment to free trade in ''other recreational services.'' In subsequent WTO proceedings, the United States has claimed this commitment never included gambling services. The United States has noted that any such ''commitment'' would contradict a host of federal and state laws that regulate and restrict gambling. The WTO has not accepted this argument.

Accordingly, the U.S. Trade Representative has initiated negotiations to withdraw gambling from U.S. GATS commitments. Before withdrawal can be finalized, agreement must be reached on trade concessions with interested trading partners. Few concessions should be required because there was never a legal market in Internet gambling in the U.S. If Congress creates a legal market before withdrawal is complete, the withdrawal will become much more complicated and costly. Therefore, we oppose any legislation that would imperil the withdrawal process.

Finally, we have heard the argument that Internet gambling can actually protect the integrity of sports because of the alleged capacity to monitor gambling patterns more closely in a legalized environment. This argument is generally asserted by those who would profit from legalized gambling and the same point was raised in 1992 when PASPA was enacted. Congress dismissed it then and should dismiss it now. The harms caused by government endorsement of sports betting far exceed the alleged benefits.

H.R. 2046 sets aside decades of federal precedent to legalize sports betting and exposes American gambling laws to continuing jeopardy in the WTO. We strongly urge that you oppose it. Thank you for considering our views on this matter.

Sincerely,

RICK BUCHANAN,
Executive VP and General Counsel, National Basketball Association.

ELSA KIRCHER COLE,
General Counsel, National Collegiate Athletic Association.

WILLIAM DALY,
Deputy Commissioner National Hockey League.

TOM OSTERTAG,
Senior VP and General Counsel, Major League Baseball.

JEFFREY PASH,
Executive VP and General Counsel, National Football League.

DARFUR

Mr. DODD. Mr. President, genocide has only one morally tenable answer. This week, the United Nations found that answer: decisive and forceful action to protect the innocent. Tuesday's Security Council resolution put real teeth in the world's effort to stop the Darfur genocide: A paltry contingent of 7,000 African Union peacekeepers will swell with 26,000 more troops in a combined UN/AU force.

The peacekeepers will take command of the region by the end of the year, and their arms will help to shield the people of Darfur from continued murder and rape and displacement.

I applaud this resolution. We all know that it comes 450,000 lives too late. But the UN's action looks positively instantaneous when set against the delay and the equivocation of our own Government. Special Envoy Andrew Natsios assured the world that American action was ''imminent'' 7 months ago. And it was 2 years ago that President Bush declared the crimes in Darfur ''genocide.''

But there is still time for America to act, and a vital role for America to play. The Security Council's force resolution, as valuable as it is, came at a price: To mollify China and several African member states, its provisions for multilateral sanctions on Sudan were significantly softened. We can, and must, fill the gap with unilateral sanctions of our own.

Multilateral force combined with American sanctions would show the international system working at its best. The world community has agreed to act against genocide; now, the United States can work in the spirit of that resolution and do its own part to bring the suffering to an end. Our economic muscle can be a potent weapon.

Three sanctions bills are before the Senate. Two S. 831—the Sudan Divestment Authorization Act of 2007, and S. 1563, the Sudan Disclosure and Enforcement Act of 2007—have been authored by my friend and colleague, Senator DURBIN. From the very start, his voice has been the strongest in the Senate on the Darfur genocide, and his tremendous leadership stands in stark contrast to this administration.

A third sanctions bill—H.R. 180, the Darfur Accountability and Divestment Act of 2007—has been authored by Representative BARBARA LEE, whose leadership ranks with Senator DURBIN's. I have asked the majority leader to expedite consideration of all of these bills.

I would like to focus for a moment on Representative LEE's bill. It aims to punish the bloodstained Government of Sudan by assisting divestment from companies that—knowingly or not—have helped to fund the genocide. H.R. 180 requires the Department of the Treasury to develop a list of companies investing in specific sectors of the Sudanese economy: power production, mineral extraction, oil-related industries, and military equipment industries.

Before being put on the list, companies are given 30 days to either rebut the designation or to say that they will be suspending such activities within a year. The bill also removes specific legal barriers to enable mutual fund and corporate pension fund managers to cut ties with these listed companies.

And it allows States and localities to divest their public pension funds from those companies whose financial operations help support the genocidal practices of the Sudanese Government.

In ultimately leading to the withdrawal of funds from the Sudanese military machine, the bill does valuable work. But I am concerned that it entrusts the compilation of the list of companies to the wrong agency, Treasury's Office of Foreign Asset Control. OFAC is an enforcement agency, and such investigation is not in its mission.

I believe the job is better entrusted to an interagency task force combining

the varied strengths of the Departments of Treasury, State, and Energy, along with the SEC. This combined approach will mean that our efforts toward divestment are as fair, effective, targeted, and transparent as they can be. So I have proposed amending the divestment bill to that effect; a second amendment authorizes $2 million to make this divestment task force a reality.

But whatever form they take, sanctions need to pass now. As the UN/AU force stabilizes Darfur, we must do our utmost to choke off the money that has oiled the machinery of slaughter. To those of my colleagues who are standing in the way of swift action, I ask:

What more do you need to see?

What more do we need to prove?

What more could it possibly take to move you?

I urge my colleagues to support H.R. 180, as amended, and the two other strong Senate bills.

CROP INSURANCE

Mr. GRASSLEY. Mr. President, my comments here today are to point out the importance of the crop insurance program to America's farmers and America's rural communities.

Congress enacted legislation in 1980 that allowed for the expansion of the program and the involvement of the private insurance sector in the crop insurance program's delivery. Since this time, the program has grown from a small, experimental program to one that insures over 70 percent of the eligible acres in the country. In many States, an even higher percentage of the eligible acres in the State are insured. In my home State of Iowa we have over 90 percent enrollment. This protection has come to be relied on by farmers and their lenders as a vital and necessary part of farming. For most farmers their crop insurance policy is the basis of their risk management, crop marketing and loan collateral.

The success of the crop insurance program can be attributed to two key items. One is the support of the Federal Government. It is no secret that the Government supports the crop insurance program with premium subsidies that encourage farmers to purchase coverage and help pay for its cost. Additionally, rather than further increasing farmers' premium costs, the Government also pays for the delivery of the program. These Government expenditures, while not insignificant, are considerably less than the Government would likely spend in after-the-fact disaster aid if farmers didn't use the program or if the program didn't exist.

The second key item that has contributed to the success of the crop insurance program is the delivery of the program by the private insurance sector. Delivery of the crop insurance program by private companies, using local insurance agents, using modern technology, and with an incentive to do things right and earn underwriting rewards, has allowed for market penetration that was thought impossible by many. But it has occurred, and it continues due to the quality, timely and accurate service being provided to farmers by local agents and companies.

I point out the importance of this program and its successes today, because this body is expected to consider this program during debate of the farm bill. It appears that despite successfully operating under separate legislation for years, the crop insurance program is being pulled into the farm bill discussions. The House farm bill has pulled money from the crop insurance program to offset other spending. I intend to analyze carefully the impact this House action will have on farmer's ability to manage their own risk. While I recognize there are improvements that need to be made to the program, crop insurance brings more stability to rural America.

American farmers deserve a safety net that they can count on each and every crop year. As the Senate prepares to work on our farm bill provisions, I hope we recognize that crop insurance has become ingrained into the fiber of American agriculture, from the farmers and lenders that depend on it to the rural communities whose local economies are bolstered by it in hard times.

BALLOT INTEGRITY ACT

Mrs. FEINSTEIN. Mr. President, I rise today to address an important development in the way our votes our counted. Last November, California elected a new chief election officer—Secretary of State Debra Bowen. Secretary Bowen served in the California Legislature, where she had a reputation as a dedicated advocate for greater protections of our voting systems. Upon becoming secretary of state, she called for a ''top-to-bottom'' review of all voting systems used in California. This was a dynamic and appropriate step, given the heartburn that electronic voting systems have caused voters nationwide.

The problems with paperless voting systems are clear. Computers are no substitute for a paper record. We want to know where our most important documents are—and we don't leave them on the computer. Votes should be no different.

Many events over the last few years have raised great concerns about paperless voting systems. In a congressional race in Sarasota, FL, about 18,000 ballots had no recorded vote. The final vote count divided the candidates by only 300-odd votes. So-called ''under-votes'' occur in every election. But the rate in Florida's 13th Congressional District was unusually high. And because there was no verified paper record, we may never know who really won that election.

Some say paper ballots can malfunction or be manipulated just as easily as these computers. I strongly disagree. When paper records fail, we can see that they have failed. If paper records are stolen, or disappear, we will notice their absence. But when malfunctions or security gaps occur in paperless voting systems, there is no easy way for voters or election officials to know that something has gone wrong. It is for this reason I support optical scan paper systems—or, at minimum, voting systems that produce a paper record verified by the voter.

So it is entirely appropriate that Secretary Bowen performed this test. Californians go to the polls in 6 months to cast their votes in the presidential primary. They must have confidence in their voting systems. With the cooperation of several voting system vendors, the University of California assembled several teams to review the systems. The teams examined the systems' source code, their physical and software defenses, and the ability of people with disabilities to use these systems. The systems fell short in all three tests. In a short span of time, computer scientists identified a number of major vulnerabilities with the voting systems. And these experts were able to hack the vote in less than 5 weeks.

It is important to note that many election officials employ security measures to protect their systems from these kinds of attacks. In this test, the focus was on the voting system's defenses alone—no external protections were employed. Even without such protections, the results of this examination clearly indicate we need to improve these systems.

A few examples of what the University of California experts were able to do: First, researchers were able to gain access to the internal computer system by breaking or bypassing the locks in the voting systems. In the case of one voting system, ordinary office objects were used to gain access. Second, researchers were able replace existing software with a new, corrupt virus that fed incorrect election data to the system. This attack used a program that appeared to change the text, but instead replaced the original software with corrupted code. Many small jurisdictions may lack the technical ability to identify and protect against these attacks. Third, while election officials can test these systems, experts noted that software distinguishes between election mode and testing mode. This could allow a virus to instruct the system to run properly during a test—but allow it to be corrupted during an election. Even counties that test their systems often could be vulnerable. Finally, the team was able to develop a device that would allow unauthorized access—and allow someone wishing to corrupt the ballot box to change the system's vote count.

What does all this mean for elections in the United States?

It means we should to follow the lead of Secretary Bowen, and take a very

careful look at our voting systems. It means the argument for paper as an essential part of voting systems is becoming more and more convincing. It means we should watch and carefully assess the new standards for testing voting systems that will be employed for the first time in December. I hope these standards have a significant impact, that they catch the vulnerabilities of these systems.

I believe the bill I introduced in May will lead to great improvements in the technology and the processes of elections. The Ballot Integrity Act would immediately prohibit new purchases of paperless voting systems. By 2010, it would require a voter-verified paper record to be produced by all voting systems used in federal elections. It would ensure that laboratories that test voting systems would not be hand-picked by vendors. And it would bar wireless and internet components in voting systems. In addition, States would have to document which individuals have access to voting systems, and they would have to agree on ways to train poll workers on how to operate machinery. This approach deals with all elements of the voting process—and recognizes that good voting equipment cannot be secure without good procedures to protect the integrity of the vote.

While the debate rages over how California should respond to this new report, it is important to stick to the basics. Vote verification is the new consensus. More than half the States use paper records to preserve the vote count.

I know Americans are passionate about ensuring that their votes are counted. California has taken an important step—and uncovered some disturbing information. The Senate should support improving Federal elections by passing the Ballot Integrity Act.

RETIREMENT OF CONGRESSMAN RAY LAHOOD

Mr. OBAMA. Mr. President, I rise today to extend my appreciation and best wishes to my good friend, RAY LAHOOD, who recently announced his intention to retire at the end of the 110th Congress.

His retirement next fall will mark the end of a long, successful career representing the 18th District of Illinois—first as a staffer for 12 years for then-minority leader Bob Michel and then as a distinguished member of Congress for seven terms.

Born in the district he has represented for over 13 years, RAY LAHOOD's constituents have always been his No. 1 priority. Long after RAY leaves office, Illinoisans from Peoria to Jacksonville will benefit from his attention to local infrastructure needs, whether it is the roads, hospitals or arts projects of central Illinois.

He has been a champion for economic development in rural communities, expanded use of alternative energy, and conservation efforts along the Illinois River. RAY and I also worked together earlier this year to help our Nation's servicemembers and veterans by introducing the Lane Evans Mental Health and Benefits Act.

But beyond his many legislative accomplishments is the distinctive spirit that RAY brought to his job. His time in Washington has been marked by a willingness to speak the truth and work across party lines—traits that have earned him the highest respect and admiration from colleagues on both sides of the aisle.

For several years, RAY hosted bipartisan congressional retreats to bring Members of Congress together for an open dialogue about ways to solve the country's problems in a civil manner. At a time in which Congress is marked by ideological warfare and harsh personal rhetoric, RAY is always searching for ways to bridge the partisan divide and find commonsense solutions to the problems facing average Americans. He was—and is—the ideal successor to Bob Michel, the great statesman who mentored him.

On a personal note, I will always be grateful to him for joining me in opening my Springfield office in January 2005 shortly after I came to the Senate. That small gesture of bipartisanship meant a lot to a freshman Senator and is a reflection of RAY's decency.

The people of central Illinois will miss RAY LAHOOD's hard work on their behalf, and I will miss his friendship.

I thank RAY for his many years of service to Illinois and to his country, and I wish him and his family all the best as he embarks upon this next chapter in his life.

TRIBUTE TO UNCLE HAROLD

Mr. DORGAN. Mr. President, if one is going to boast on the Senate floor, I assume I can be forgiven for boasting about close relatives.

My story is about my Uncle Harold—Harold Bach to be exact.

I called Harold last week and asked him what he had been doing. He said he had just gotten back from Minnesota. I asked, ''What were you doing there?'' He said, ''Well I was running in the Senior Olympics events.''

I guess it is not too unusual to have someone tell you that they are engaged in some track and field events. But my uncle is 87 years old. I said, ''Harold, what events did you enter?'' He said, ''I ran in the 50 meter, the 100 meter and the 200 meter.'' I asked, ''How did you do?'' Harold said, ''I won three medals—a gold, a silver and a bronze.''

It wasn't news to me to hear that my uncle was running.

At age 72 Harold went to the Prairie Rose Games in North Dakota and just as a lark he entered races for age 70 and above. He easily won all three races that he entered. Then he decided, you know—I must have a talent here. It appears I can run faster than people my age. So he started running in other States. He ran in the Minnesota Senior Olympics, he ran in the South Dakota Senior Olympics, and then he was in Arizona and California.

He never stopped running. He has now won 100 medals in Senior Olympics events across the country. At age 87, I think he is still angling for more victories.

So I am announcing today that I am going to award my Uncle Harold a certificate, designating him as the oldest, fastest runner in our State's history. No, I have not done any research to demonstrate that, but I am sure it must be true. And besides, he's my uncle.

The message in having an 87-year-old uncle that runs the 100 meter dash in under 20 seconds is inspiring to me, and I hope, to everyone else. It is a message that if you don't know what you can't do, maybe you won't be surprised if you find out you can do it, even if others think it is improbable.

None of us should be limited by our notions of what is impossible. My Uncle Harold has described what is possible for him by trying—and succeeding. It is a lesson that many of us should learn over and over again. Defeat is not about trying and failing. Defeat is failing to try. And when my uncle determined that he was faster than anybody his age, he got himself a pair of running shoes and filled his car with gas. Fifteen years later he has won 100 track and field medals.

So, hats off to my Uncle Harold! His accomplishments in Senior Olympics events are impressive and inspiring.

ADDITIONAL STATEMENTS

CONGRATULATING MISS ASHLEY SAGISI MOSER

• Mr. AKAKA. Mr. President, I congratulate Ashley Sagisi Moser, Miss Teen World United States, for her achievements in the 2007 Miss Teen World pageant. She placed first runner-up in the pageant and won the Miss Congeniality Award.

The pageant was hosted in Queensland, Australia, where representatives from 14 countries competed for the title of Miss Teen World 2007. In addition to winning the Miss Congeniality Award, Ashley placed in the top five in every category, which included Miss Talent, Miss Photogenic, Best Costume, and Best Swimsuit.

I am proud of Ashley's accomplishments, especially because she was one of the youngest contestants in this international pageant. Her stage presence and wit have allowed her to excel in pageants. She embodies the spirit of Aloha, which was noted by the judges and her fellow competitors. She represented the State of Hawaii and the United States very well.

I also want to acknowledge Ashley's impressive leadership qualities, which are evident through her involvement in one of the State's most prestigious preparatory schools, Punahou School, and

in her involvement in community activities. I encourage her to aspire to make a difference in the world by continuing to cultivate her leadership skills.

I look forward to hearing more about her successes as she continues to pursue her education and personal goals. Congratulations to her parents Kendall and Sandra Moser, who have raised their daughter to be an exemplary representative of the United States on the international stage. I wish Ashley and her family the very best in their future endeavors.●

COMMENDING THE HONOLULU BULLS

● Mr. AKAKA. Mr. President, I congratulate the Honolulu Bulls Soccer Club's Under-14 Division Girls Team for winning the Dana Cup No. 1 in Hjorring, Denmark. The Dana Cup is an international soccer tournament that takes place every summer and includes 300 girls and boys teams from 30 nations. The Under-14 Division Girls Team was one of 2 teams representing the United States out of 47 teams in that division. This was the first time a team from Hawaii has won this prestigious international tournament.

I wish to acknowledge the girls' skill, hard work, and dedication to soccer that led them to this unprecedented victory. They showed strength and agility as they went undefeated in eight matches without a single goal scored against them. A special congratulations goes to Malia Brennan, who received the Golden Boot Award as the top player in the girls Under-14 Division. I wish to also acknowledge her teammates on their success: Jayci Cabael, Kayla Cabael, Lauren Stollar, Brooke Lovelace, Kianna Akazawa, Caprice Dydasco, Kadi Lee, Staci Mihara, Teisha Nacis, Sierra Nicols, Steffani Tanaka, Gabby Yates, McKenna Davidson, and Tracee Fukunaga. Their parents and families are recognized as well for their commitment, sacrifice, and support that helped shape and instill in them important values that led to their success.

These young women could not have gotten where they are today without the support and knowledge of the game passed down to them from their coaches, Rick Chong and Kerry Miike. I commend these two men on their dedication to teaching, nourishing, and raising our next generation of athletes.

I also congratulate everyone at the Honolulu Bulls Soccer Club for their commitment to educating and developing youth soccer players that strive to be competitive regionally, nationally, and internationally. I wish nothing but the best for the girls, their family, and coaches and wish them success in future endeavors.●

RECOGNIZING THE ARMY VETERINARY CORPS

● Mr. ALLARD. Mr. President, today I wish to recognize the hard work and meritorious sacrifice of the Army Veterinary Corps. Their efforts support the global war on terrorism by protecting not only the military men and women serving our country, but our armed forces' animals as well.

The Army Veterinary Corps was formally established in 1916. However, the need for a military veterinary service was recognized as far back as the Revolutionary War. George Washington knew that if the Army used horses, it needed farriers as well. The program continued through the 19th century and when the Civil War began, the War Department issued orders that provided each cavalry regiment with a veterinary surgeon. As early as the 1890s, army veterinarians were sought to inspect meat, poultry and dairy products destined for the frontier posts.

Veterinary officers were first commissioned following the passage of the National Defense Act of June 3, 1916, and the Army Veterinary Corps became a reality. While providing care to the military's working animals would be part of the Army veterinarian's function, food safety and regulation was a primary mission upon the Army Veterinary Corps creation.

After the start of World War I, veterinarians within the ranks of the Army rose from 57 to 2,313 in just 18 months. Since World War I, the Veterinary Corps has remained an essential asset to our Nation's military by ensuring the health of both our animals and troops. The Air Force formed a veterinary service in 1949 as well, but in 1979, Congress directed changes to Department of Defense's veterinary missions and in 1980 the Army became DOD's Executive Agent for veterinary services.

Today the mission of the Army Veterinary Corps includes maintaining food safety and defense, animal medicine, and medical research support. Part of this mission is protecting the food of deployed soldiers, sailors, airmen and marines. In the global war on terrorism, more than 200 U.S. Army veterinarians have deployed in support of our Nation's efforts. The threat of BSE, the spinach recall due to pathogenic E. coli, and the ongoing pet food recall are just a few examples that illustrate the necessity of having robust food safety programs throughout DOD. Army veterinary service personnel audit more than 3,800 food producers in more than 80 countries annually to ensure safe food for service members and beneficiaries. Approximately 75 percent of emerging pathogens are zoonotic, meaning they are shared by both animals and man, such as avian influenza.

Army veterinarians have actively contributed to military and interagency planning processes as well. They recently participated in the development of the U.S. Department of Agriculture's Avian Influenza Playbook in support of the National Response Plan. Veterinary personnel are also an essential contributor in overseas avian influenza testing and surveillance programs.

The Army Veterinary Corps executes programs to test for, monitor and control other emerging diseases, like West Nile Virus, numerous food borne diseases, certain parasitic infections, and rabies. Army veterinarians direct animal medicine programs that protect both military members and their pets. In the same role, they also provide veterinary medical care for the Government-owned and contractor military working dogs which detect explosives, weapons and other devices. These animals help to literally take these weapons out of the hands of terrorists and insurgents.

Here at home, military veterinary supervision of operational ration assembly plants, supply and distribution points, ports, and other types of subsistence operations are critical to ensuring safe, wholesome food for our soldiers, sailors, airmen, marines, and their family members. The service provided by the Army Veterinary Corps remains an increasingly vital component of our homeland defense.

There are nearly 700 veterinarians serving on active duty, Army Reserve, and National Guard today. These brave service men and women proudly protect our Nation and its animals. I offer my sincere thanks and appreciation to these veterinarians and their staffs who dedicate their time and efforts in aid to the United States of America. As a veterinarian, I am proud to see them portray a positive image of our country, both at home and deployed abroad.●

RECOGNIZING ADMIRAL EDMUND P. GIAMBASTIANI, JR.

● Mrs. CLINTON. Mr. President, I wish to recognize ADM Edmund P. Giambastiani, Jr. for his 37 years of dedicated service to our Nation. Next month, Admiral Giambastiani, or ''Admiral G'' as he is known by those who have worked closely with him, will retire from his position as Vice Chairman of the Joint Chiefs of Staff. A native New Yorker, Admiral Giambastiani hails from Canastota, a small town near Syracuse. Following his graduation from Canastota High School, he entered the U.S. Naval Academy in the summer of 1966. For the next 4 years, Admiral Giambastiani learned and practiced many of the values and skills that would guide him later in life and ultimately to the most senior levels of the Department of Defense.

Admiral Giambastiani's early career brought him back to the State of New York where he served at the Naval Reserve Training Center in Whitestone and later at the Nuclear-Powered Training Unit in Schenectady. He served his first fleet assignments aboard the USS *Puffer* and USS *Francis Scott Key*. Later, Admiral Giambastiani commanded submarine NR–1, the Navy's only nuclear-powered, deep-diving ocean-engineering and research

submarine, as well as the USS *Richard B. Russell*, whose crew was awarded three consecutive Battle Efficiency ''E'' awards, three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

As his career progressed, so too did the assignments that the admiral was given. Admiral Giambastiani led the Submarine Development Squadron Twelve, an attack submarine squadron that serves as the Navy's Warfare Center of Excellence for submarine doctrine and attacks. He was also the first director of strategy and concepts at the Naval Doctrine Command and the commander of the Atlantic Fleet Submarine Force. He served as the commander of the Submarines Allied Command Atlantic; the Anti-Submarine and Reconnaissance Forces Atlantic in Norfolk, VA; and as NATO's first supreme allied commander for transformation. In each of these assignments, Admiral Giambastiani performed his duties with distinction.

On the morning of September 11, 2001, Admiral Giambastiani was working in the Pentagon as the Senior Military Assistant to the Secretary of Defense. On that day and those that followed, Admiral Giambastiani worked tirelessly to respond to the aftermath of that attack.

Admiral Giambastiani served as commander of Joint Forces Command from October of 2002 to August of 2005. During this period, Joint Forces Command deployed headquarters personnel in support of Operation Iraqi Freedom and Operation Enduring Freedom, established assessment teams for global contingency operations to ensure the application of joint doctrine and practices, and provided oversight of numerous training exercises for deploying task force headquarters staffs to Iraq.

During this time, I worked closely with Admiral Giambastiani as a member of Joint Forces Command's Transformation Advisory Group, a body that the admiral formed to provide U.S. Joint Forces Command with independent advice and recommendations on strategic, scientific, technical, intelligence and policy-related issues. I have great personal and intellectual respect for Admiral Giambastiani and admire his openness to new ideas, his commitment to joint transformation, and his dedication to supporting our servicemembers.

In 2005, Admiral Giambastiani was nominated to serve as Vice Chairman of the Joint Chiefs of Staff, and I had the honor of introducing Admiral Giambastiani at his confirmation hearing before the Senate Armed Services Committee. During his tenure as Vice Chairman, Admiral Giambastiani has worked diligently to improve and transform our Nation's defense capabilities. He has served as the chairman of the Joint Requirements Oversight Council, where he worked to make it more responsive to the requests of our military commanders and to synchronize the delivery of resources needed by our servicemembers.

On behalf of my constituents in New York and of all Americans, I want to express my gratitude to Admiral Giambastiani for his many years of public service. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Admiral Giambastiani for the service and commitment to the country that he represents.●

TRIBUTE TO WALTER JOHNSON

● Mr. CRAIG. Mr. President, I wish to pay tribute to a great American who spent a little time in my home State of Idaho.

Today marks the 100th anniversary of Hall of Fame pitcher Walter Johnson's Major League debut for the Washington Senators. On this day—August 2—in 1907, Walter ''Big Train'' Johnson took the field as the starting pitcher for the first time in what would be a 21-year career.

Interestingly enough, I actually have quite a bit in common with Walter Johnson. We both grew up in small towns; we share a connection to Washington County, ID. Johnson played semiprofessional ball in Weiser; I am a Republican, as was Johnson; and both of us are, or were, Senators—Johnson played for the Washington Senators.

Let me explain a little bit about our shared connection to Washington County. Walter Johnson was discovered while playing semiprofessional baseball in the Idaho State League. He played for the team in Weiser, ID; I could almost toss a baseball to Weiser from my hometown of Midvale. Johnson spent 2 years playing in Weiser from 1905 to 1907.

The Washington Senators tried to sign Johnson in 1906, but having grown up in small towns in Kansas and California, Johnson preferred the small-town life and was unsure about moving to Washington, DC.

The following year, the Senators sent their catcher, Cliff Blankenship, to scout Johnson and try to sign him. Blankenship was told to try to get a hit off of Johnson.

Blankenship tried but was unsuccessful. He sent a telegram to his manager back in Washington, saying, ''You can't hit what you can't see. I've signed him and he is on his way.''

For most of his career, Walter Johnson's pitches were considered to be practically un-hittable. Because the radar gun had not yet been invented, nobody knows for sure just how hard he could throw a baseball. But most experts estimate that he could top 100 miles per hour with ease.

His stature was equally intimidating. Johnson stood 6-foot-1 and weighed in at 200 pounds, earning him the nickname ''The Big Train.''

Hall of Famer Ty Cobb was arguably the best hitter ever to play the game. Cobb faced Walter Johnson in Johnson's debut game on August 2, 1907. Although Johnson and the Senators lost, 3 to 2, Cobb gave Johnson high praise, saying, ''The first time I faced him, I watched him take that easy windup, and then something went past me that made me flinch. I hardly saw the pitch, but I heard it. The thing just hissed with danger. Every one of us knew we'd met the most powerful arm ever turned loose in a ballpark.''

Despite playing for teams that were routinely awful, Johnson won 417 games in his career, second only to Cy Young, who won 511.

Johnson won 32 games in one season; compare that to today, where winning 20 games is considered a major accomplishment.

The Big Train also holds a record that will likely never be broken: In 1916, he pitched 369.2 innings without allowing a single home run.

Let me put this in perspective. Simply pitching that many innings in a season today would be a remarkable feat. Most pitchers never come close to 300 innings per season. It is truly phenomenal that Johnson was physically able to pitch that many innings and totally unthinkable that he could do it without allowing a single homerun. My colleague, the Senator from Kentucky, who is a member of the Baseball Hall of Fame himself, could tell you what an extraordinary accomplishment this is.

Many credit Johnson with carrying the Washington Senators to their first and only World Series title in 1924. They defeated the New York Giants, four games to three.

It was truly a different era in America. Senators fans were so ecstatic that Johnson had carried them to the World Series that before the first game, they presented him with a Lincoln Town Car as an expression of their gratitude. At the time, it was the most expensive car made in America and cost $8,000. That wouldn't happen today.

In time, Johnson grew to love Washington, DC and even got involved in local politics after he retired from baseball, winning a seat as a county commissioner in Montgomery County, MD.

He frequently held rallies and political events at his home, and ran—unsuccessfully—for a seat in the U.S. House of Representatives.

Although Walter Johnson only spent a short time in Idaho—just over two seasons-we claim him as one of our own. We feel proud to have played an important role in launching the career of ''The Big Train,'' and I am honored today to mark the 100th anniversary of his Major League debut.●

HATCH CHILE FESTIVIAL

● Mr. DOMENICI. Mr. President, today, I would like to mark the annual chile festival in Hatch, NM.

For the last 36 years on Labor Day weekend thousands of New Mexicans and people from around the country converge on Hatch for fun and good food. The Hatch chile festival is the

premiere celebration of this fiery food that is near and dear to the hearts of New Mexicans. Chile, both red and green, is one of the distinctive flavors that makes New Mexico such a wonderful place to live and visit. A good deal of that chile originates in Hatch and it has rightly earned the title ''chile capital of the world.''

I hope this year's chile festival will be a success. I am sure all involved will walk away satisfied and with full stomachs.●

CHAPTER 641 OF THE VIETNAM VETERANS OF AMERICA

● Mr. DOMENICI. Mr. President. I would like to pay tribute to the members of Chapter 641 of the Vietnam Veterans of America, VVA.

Chapter 641 gathers on the first Saturday of every month from April to November to wash the Vietnam Veterans Memorial Wall in Washington DC. The dedication of these veterans helps to ensure the memorial dedicated to all the brave service men and women who gave their lives in the Vietnam war remains worthy of their sacrifice.

In June of this year the Daughters of the American Revolution presented this group with a national service award. I would like to add my praise to Chapter 641 VVA. Thanks in part to their hard work and dedication, we as a nation will never forget those who have sacrificed so much for our freedom.●

10TH ANNIVERSARY OF THE GEORGIA O'KEEFE MUSEUM

● Mr. DOMENICI. Mr. President, today I recognize the Georgia O'Keefe Museum in Santa Fe, NM, on its 10th anniversary. Georgia O'Keefe was, and remains, a New Mexico institution. The work she did while living in my State is held in the highest regard by artists and spectators alike.

Georgia O'Keefe settled in New Mexico in 1945 after being a frequent visitor of the State seeking artistic inspiration. She is famous for her vibrant portrayals of flowers and unique New Mexico landscapes. Ms. O'Keefe has inspired a number of aspiring artists, and she is sure to inspire many more for many years. Her work is timeless. New Mexico is proud to be home to most of her prized work.

The Georgia O'Keefe Museum is the first museum dedicated to the work of a woman artist of international stature. It showcases well over 1,000 pieces of Ms. O'Keefe's work. The museum has opened its doors to over one million visitors just in its first few years of operation; countless others will enjoy it in the future. It also boasts a vast education and outreach program that includes internships, teacher workshops, seminars and even afterschool arts programs. The museum is dedicated to the study and interpretation of her work, as well as American modernism.

The museum will commemorate the anniversary with a 10th anniversary celebration. The celebration will include a dinner dance, entertainment, and obviously art. The event will not only commemorate Georgia O'Keefe but also honor the museum's founders, Anne and John Marion. They have worked tirelessly to see that the artwork of Ms. O'Keefe is available for all to enjoy. Through their vision, the work of Georgia O'Keefe will be available for study and viewing for many years to come.

I commend these two individuals for envisioning a place for Georgia O'Keefe's work to be displayed, and maintaining that vision for the last 10 years. I believe Ms. O'Keefe would be proud of the work they have done and honored to be held in such high regard with respect to her art.●

TRIBUTE TO LEAGUE TO SAVE LAKE TAHOE

● Mrs. FEINSTEIN. Mr. President, today I recognize the 50 years of great work by the League to Save Lake Tahoe.

The League to Save Lake Tahoe has a long history of fighting to protect what I consider to be the crown jewel of the Sierra. The league was founded in 1957 as the Tahoe Improvement and Conservation Association to fight runaway development in one of our Nation's most beautiful regions. Since then, its membership has grown to 4,500 people, but its mission remains the same: to protect Lake Tahoe's famously clear waters and the surrounding area's natural beauty.

Protecting Lake Tahoe is an issue very dear to my heart. My love for Tahoe goes back to my childhood, when I attended camp and rode horses through its beautiful forests. Today however, the lake's health is threatened. Water clarity has declined from 102 feet in 1968 to 68 feet today, and the forests are more susceptible to catastrophic wildfires.

The League to Save Lake Tahoe was influential in developing the Environmental Improvement Program that identified actions that needed to be taken to help restore Lake Tahoe and instrumental in organizing the 1997 Presidential Forum. The league has continued to display an unwavering commitment to protecting the irreplaceable natural resources the Lake Tahoe Basin is blessed with.

I would like to congratulate the League to Save Lake Tahoe on a half century of outstanding environmental stewardship and wish them the best of luck in their continuing mission to Keep Tahoe Blue.●

BEST BUDDIES

● Ms. MIKULSKI. Mr. President, I wish to recognize the Best Buddies Chapter from Walter Johnson High School in Montgomery County, MD, for being named ''Chapter of the Year'' by Best Buddies International. Best Buddies is a 501(c)(3) nonprofit organization dedicated to enhancing the lives of people with intellectual disabilities by providing opportunities for one-to-one friendships and integrated employment. Founded by Anthony K. Shriver in 1989, Best Buddies focuses on the importance of social integration for a group that is often overlooked by society. They achieve their mission by creating ''buddy pairs'' in student-run chapters at middle schools, high schools, and colleges around the world.

Every year, Best Buddies holds its international leadership conference at Indiana University in Bloomington, IN, where over 1,300 high school and college students are trained on how to run an effective Best Buddies chapter—skills that will serve them well throughout their academic and professional lives. During the conference the organization acknowledges certain chapters that have achieved a particular level of excellence throughout the past year. The Chapter of the Year is selected by the board of directors and is based on the quality of the one-to-one friendships, chapter leadership, and activities. For 2007, 75 chapters applied, and Walter Johnson High School was awarded this impressive distinction.

This chapter exemplified the true meaning of team work. As a team they worked together and planned incredibly successful events, fundraisers, and group outings. Their great sense of spirit and enthusiasm showed in every activity they undertook and in the deeply rewarding friendships they created. Through the tireless outreach of the chapter members, the general student population at Walter Johnson learned first hand that the similarities between children with and without intellectual disabilities far outweigh the differences.

I hope that you will join me in recognizing the importance of what these high school students are doing through their participation in the Best Buddies program and the excellence with which they do it.●

TRIBUTE TO DON HIGHT

● Mr. THUNE. Mr. President, today I pay tribute to South Dakota rancher Don Hight for being recognized at the Third Annual National Day of the American Cowboy celebration in my home town of Murdo, SD.

Don was born in Mellette County, SD, in 1920. He served as an Army paratrooper in World War II. After his return from the war, Don married Adeline Fott and together they started ranching in Jones County, SD, where they raised their two children Dan and Cheryl.

In January of 1962, the farmer from small-town South Dakota made national news when he began a 70-mile cattle drive, trailing 1800 head of cattle from his Jones County ranch along the White River to Winner, SD. On the third day into the trip, a blizzard hit with temperatures below zero and

winds reaching 35 miles per hour. As a result of his accomplishing this difficult drive, his story was picked up by the national news and Don was invited to appear in an episode of ''Rawhide'' which starred a young Clint Eastwood.

Don Hight displayed his strong patriotism following the September 11, 2001, terrorist attacks, when he sold 100 head of calves to the Fort Pierre Livestock and presented the check to the South Dakota Stock Growers to buy beef certificates, which were given to the Salvation Army for distribution to the victim's families.

Mr. Hight is truly a reflection of the American cowboy and proof that the cowboy way of life is still alive and well in South Dakota. He is a man dedicated to his country, and the values that this country represents such as bravery, honor and respect for his fellow man. It is people like Don that make the state of South Dakota such a great place to live.

It gives me pleasure to rise and pay tribute to Don Hight, a true American cowboy.●

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

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, 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. 3248. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on 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.

At 4:28 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. 3159. An act to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom.

At 6:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2767. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Addition of Rust-Resistant Varieties'' (Docket No. APHIS–2007–0072) received on July 31, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Curran, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2769. A communication from the General Counsel, Department of the Treasury, transmitting, the report of draft legislation intended to amend provisions that specify the weights and compositions of the dollar, half dollar, quarter dollar, dime, 5-cent, and one-cent coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2770. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''FPA Section 203 Supplemental Policy Statement'' (FERC Docket No. PL07–1–000) received on July 29, 2007; to the Committee on Energy and Natural Resources.

EC–2771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Iowa; Clean Air Interstate Rule'' (FRL No. 8450–1) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL No. 8450–5) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 8450–7) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval of Designation of Areas for Air Quality Planning Purposes; Indiana; Correction'' (FRL No. 8450–3) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethenamid; Pesticide Tolerance'' (FRL No. 8138–2) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County'' (FRL No. 8448–6) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2777. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the authorized shore projection project for Lido Key Beach in Sarasota, Florida; to the Committee on Environment and Public Works.

EC–2778. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2008'' ((RIN0938–AO63)(Docket No. CMS–1551–F)) received on August 1, 2007; to the Committee on Finance.

EC–2779. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and

Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for Fiscal Year 2008'' (RIN0938–AO64) received on August 1, 2007; to the Committee on Finance.

EC–2780. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2008 Rates'' (RIN0938–AO70) received on August 1, 2007; to the Committee on Finance.

EC–2781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 1248 Attribution Principles'' ((RIN1545–BA93)(TD 9345)) received on July 29, 2007; to the Committee on Finance.

EC–2782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Return Required by Subchapter T Cooperatives under Section 6012'' ((RIN1545–BF82)(TD 9336)) received on July 29, 2007; to the Committee on Finance.

EC–2783. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed technical assistance agreement for the export of technical data, defense services, and articles related to the Laser-based Directional Infrared Countermeasures System to the United Kingdom; to the Committee on Foreign Relations.

EC–2784. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving the restrictions contained in the Cooperative Threat Reduction Act with respect to Uzbekistan; to the Committee on Foreign Relations.

EC–2785. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Changes to Trademark Trial and Appeal Board Rules'' (RIN0651–AB56) received on July 31, 2007; to the Committee on the Judiciary.

EC–2786. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine'' (RIN1117–AA93) received on July 31, 2007; to the Committee on the Judiciary.

EC–2787. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to statistics on the operation of the premerger notification program; to the Committee on the Judiciary.

EC–2788. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill intended to clarify the requirements for special monthly pension based on age and disability; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

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. 775. A bill to establish a National Commission on the Infrastructure of the United States.

S. 1785. A bill 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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. David A. Deptula, 6792, to be Lieutenant General.

Air Force nomination of Lt. Gen. Claude R. Kehler, 6600, to be General.

Army nomination of Maj. Gen. Kenneth W. Hunzeker, 4503, to be Lieutenant General.

Army nomination of Lt. Gen. James D. Thurman, 8182, to be Lieutenant General.

Army nomination of Lt. Gen. James J. Lovelace, 0304, to be Lieutenant General.

Army nomination of Maj. Gen. Carter F. Ham, 0921, to be Lieutenant General.

Army nomination of Col. Lawrence A. Haskins, 3608, to be Brigadier General.

Navy nomination of Rear Adm. Richard K. Gallagher, 9308, to be Vice Admiral.

Navy nomination of Rear Adm. Robert T. Moeller, 1217, to be Vice Admiral.

Navy nomination of Rear Adm. James A. Winnefeld, Jr., 5212, to be Vice Admiral.

Navy nomination of Adm. Michael G. Mullen, 9509, to be Admiral.

Marine Corps nomination of Gen. James E. Cartwright, 5961, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Damion T. Gottlieb, 5640, to be Major.

Air Force nomination of Francis E. Lowe, 3894, to be Lieutenant Colonel.

Air Force nominations beginning with Lista M. Benson and ending with Karen L. Weis, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Kevin C. Blakley and ending with Robert A. Tetla, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Robert K. Abernathy and ending with Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Mary Ann Behan and ending with Paul A. Willingham, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Dawud A. Agbere and ending with Edward J. Yurus, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Blake C. Ortner and ending with Andrew S. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Julie A. Bentz and ending with Thomas L. Turpin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Larry L. Guyton and ending with Linda M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Jose A. Acosta and ending with Lawrence A. Ramirez, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Douglas P. Barber, Jr. and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Susan D. Chacon and ending with Seung C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Enein Y. H. Aboul and ending with Kimberly A. Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

*Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

*Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Kristine B. Neeley, 1750, to be Lieutenant.

By Mr. CONRAD for the Committee on the Budget.

*Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear andtestify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. GREGG, Mr. COBURN, Mr. CRAPO, Mr. SUNUNU, Mr. ALEXANDER, Mr. ALLARD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. MARTINEZ, Mr. MCCAIN, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, Mr. DEMINT, Mr. KYL, and Mr. CHAMBLISS):

S. 1935. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. AKAKA, Mr. BAYH, Mr. CARPER, Mr. CRAIG, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. MCCAIN, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. STEVENS, Mr. HAGEL, and Mr. BROWNBACK):

S. 1936. A bill to provide for a plebiscite on the future status of Puerto Rico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 1937. A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1938. A bill to provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1939. A bill to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 1941. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 1943. A bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN):

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

By Mr. VOINOVICH:

S. 1948. A bill to award grants to establish Advanced Multidisciplinary Computing Software Centers, which shall conduct outreach, technology transfer, development, and utilization programs in specific industries and geographic regions for the benefit of small- and medium-size manufacturers and businesses; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mrs. BOXER, Mr. BROWN, Mr. WHITEHOUSE, Mr. BAYH, and Mr. DODD):

S. 1950. A bill to require a report on contingency planning for the redeployment of United States forces from Iraq; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. SALAZAR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. COCHRAN, Mr. SMITH, and Mr. LOTT):

S. 1951. A bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. SMITH, and Ms. CANTWELL):

S. 1952. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

By Mr. CONRAD (for himself and Ms. STABENOW):

S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. KERRY, Ms. STABENOW, Mrs. LINCOLN, Mr. CORNYN, Mr. LOTT, Mr. COCHRAN, Mr. DORGAN, Mr. WYDEN, and Mr. COLEMAN):

S. 1958. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill to amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SESSIONS:

S. 1961. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 1962. A bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. INOUYE, Mrs. HUTCHISON, Mr. PRYOR, and Mr. NELSON of Florida):

S. 1965. A bill to protect children from cybercrimes, including crimes by online

predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1967. A bill to provide administrative ease and incentives for increased saving by Americans, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ALLARD, Mr. VITTER, and Mrs. DOLE):

S. 1968. A bill to provide for security at public water systems and publicly owned treatment works; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. KERRY (for himself, Mr. BOND, Mr. BAUCUS, Mrs. BOXER, Mr. CASEY, Mr. DODD, and Ms. STABENOW):

S. 1971. A bill to authorize a competitive grant program to assist members of the National Guard and Reserve and former and current members of the Armed Forces in securing employment in the private sector, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1972. A bill to amend the Federal Power Act to modify a provision relating to the siting of interstate electric transmission; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1973. A bill to amend the Internal Revenue Code of 1986 to double the period of limitations for returns involving offshore secrecy jurisdictions, to modify certain other provisions relating to the statute of limitations, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI):

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006; read the first time.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA (for himself and Mr. HAGEL):

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 1983. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to expend and improve the collection of maintenance fees, and for other purposes; considered and passed.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. MARTINEZ, and Mr. SPECTER):

S. 1984. A bill to strengthen immigration enforcement and border security and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 292. A resolution designating the week beginning September 9, 2007, as ''National Assisted Living Week''; to the Committee on the Judiciary.

By Mr. HATCH:

S. Res. 293. A resolution commending the founder and members of Project Compassion; to the Committee on the Judiciary.

By Mr. BUNNING:

S. Res. 294. A resolution designating September 2007 as ''National Bourbon Heritage Month''; considered and agreed to.

By Ms. CANTWELL:

S. Res. 295. A resolution designating September 19, 2007, as ''National Attention Deficit Disorder Awareness Day''; considered and agreed to.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN):

S. Res. 296. A resolution designating September 2007 as ''National Youth Court Month''; considered and agreed to.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 297. A resolution recognizing the 100th anniversary of the Utah League of Cities and Towns; considered and agreed to.

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 298. A resolution commending the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette, and recognizing that the City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette; considered and agreed to.

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 289, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 439

At the request of Mr. REID, the name of the Senator from Louisiana (Mr.

VITTER) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) 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. 582

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 586

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children.

S. 595

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 595, a bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

S. 739

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) 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. 775

At the request of Mr. CARPER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 775, a bill to establish a National Commission on the Infrastructure of the United States.

S. 781

At the request of Mr. PRYOR, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 781, a bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

S. 843

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 843, a bill to provide for the establishment of a national mercury monitoring program.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Colorado (Mr. ALLARD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor 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. 1069

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1161

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Idaho (Mr. CRAIG) 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. 1188

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1188, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) 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. 1373

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1376

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1382

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1534

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1534, a bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1672

At the request of Mr. HAGEL, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1672, a bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility.

S. 1708

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1718

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor 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. 1755

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1784

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1784, a bill to amend the Small Business Act to improve programs for veterans, and for other purposes.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1825

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1847

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1894

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of 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.

S. 1895

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1910

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1920

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1926

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 288

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 288, a resolution designating September 2007 as ''National Prostate Cancer Awareness Month''.

S. RES. 291

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 291, a resolution designating the week beginning September 9, 2007, as ''National Historically Black Colleges and Universities Week''.

AMENDMENT NO. 2535

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2535 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2540

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2540 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2541

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2541 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2557

At the request of Mr. SPECTER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 2557 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2564

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2564 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2565

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2565 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2566

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2566 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2567 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2596 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2621

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 2621 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1934

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

SECTION 1. CONTINUATION OF ESSENTIAL AIR SERVICE AT CERTAIN LOCATIONS.

(a) IN GENERAL.—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2012''.

(b) REQUIREMENT FOR CONTINUATION OF ESSENTIAL AIR SERVICE BY CERTAIN AIR CARRIERS FOR 90 DAYS AFTER TERMINATION OF CONTRACT.—Any air carrier that provides essential air service to a place described in section 409(a) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) and has a contract for the provision of such essential air service that expires on September 30, 2007, shall continue to provide such essential air service to such place until at least the earlier of—

(1) January 1, 2008; or

(2) the date on which the Secretary of Transportation identifies a new air carrier to provide such essential air service.

(c) AIR CARRIER DEFINED.—In this section, the term ''air carrier'' has the meaning provided such term in section 40102 of title 49, United States Code.

By Mr. BINGAMAN (for himself and Mr. DOMENICI);

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation reauthorizing the Río Puerco Watershed Management Program, which became law in 1996. In the 10 years since it was formalized by Congress, the Río Puerco Management Committee has helped facilitate a collaborative approach for the restoration of the highly degraded Río Puerco Watershed, which at 7,000 square miles is the largest tributary to the Río Grande in terms of area and sediment.

The Río Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation. Over time, extensive ecological changes have occurred in the Río Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. According to the Bureau of Land Management, while the Río Puerco contributes less than 10 percent of the total water to the Río Grande, it represents the primary source of sedimentation entering the Upper Río Grande with far reaching effects throughout the lower portions of the river. For example, the Río Puerco contributes the majority of the silt entering Elephant Butte Reservoir about 65 miles downstream of its confluence with the Río Grande.

The Río Puerco Management Committee has become one of the most effective collaborative land management efforts in the Southwest, particularly given the challenges posed by the multi-jurisdictional nature of the watershed. It has successfully developed and implemented proposals for watershed rehabilitation on a collaborative basis with participation from private stakeholders, various Federal agencies, Native American Indian tribes, State agencies, and local governments. For example, the committee took on the bold proposal of returning the Río Puerco to its original streambed, originally altered to accommodate the construction of State Highway 44, now U.S. Highway 550, in the late 1960s. According to the BLM, the channel became a primary contributor of erosion and sediment in the river main stem, and even began advancing toward U.S. 550, threatening the highways stability. This large-scale project is one of only three in the entire country that has attempted to reintroduce a channelized river into its original meander.

I am proud to say that the committee's holistic approach has also facilitated low-tech but time-intensive restoration projects and community outreach initiatives which have actively engaged community members and the Youth Conservation Corps. This has helped develop a sense of ownership and community responsibility for the restoration of the Río Puerco while also providing our State's youth valuable resource management skills and teaching them how to be responsible stewards of the land now and in the future.

I am pleased Senator DOMENICI is a cosponsor of this reauthorization bill, and I thank him for always being a strong advocate for this program. The Río Puerco Management Committee has demonstrated the achievements that can be made by working cooperatively to advance the restoration of and maintenance of this watershed. It is also clear that more work needs to be done, and it is my sincere hope that the Congress and the administration will continue to work in a similar cooperative manner to ensure adequate funding is provided for this important program. I urge my colleagues to support this legislation.

Mr. DOMENICI. Mr. President, the need for targeted restoration work in the Río Puerco watershed came to my attention during the early 1990s. Congress began funding local efforts to improve the Río Puerco area in 1992, and the Río Puerco Management Program was formally authorized by the Omnibus Parks and Public Lands Management Act of 1996.

The Río Puerco Basin is the largest tributary to the Middle Río Grande Basin. The watershed encompasses nearly 5 million acres and acts as drainage for portions of 7 counties in my home State of New Mexico. The Río Puerco watershed is a major source of silt in Elephant Butte Reservoir. In fact, the Department of Interior's U.S. Geological Survey has identified the Río Puerco as having one of the highest sediment concentrations. The objective of the collaborative program is to curtail sedimentation from washing down the Río Puerco to the Río Grande and Elephant Butte. As intended, this program has helped to facilitate cooperation between Federal, State, and local agencies along with local landowners to improve the health of the Río Puerco watershed by working together to implement projects that help control erosion and reduce the flow of sediment into the Río Grande.

I believe the program has accomplished much during its tenure, and I fully support its objectives. I am pleased to join my colleague from New Mexico, Senator BINGAMAN, as a cosponsor of this bill, and I look forward to working with him to see that this important program is reauthorized.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce the Public School Repair and Renovation Act. I offer this legislation to meet the urgent need for support to repair crumbling schools in disadvantaged and rural school districts.

We all agree that school infrastructure requires constant maintenance. Unfortunately, far too many schools have been forced to neglect ongoing issues, most likely due to lack of funds, which can lead to health and safety problems for students, educators and staff. The most recent infrastructure report card issued by the American Society of Civil Engineers gives public schools a ''D'' grade. Now, I don't know many parents who would find ''D'' grades acceptable for their children. So why on earth would we stand by while the state of the buildings in which our children learn are assigned such a grade?

Despite the declining condition of many public schools, Federal grant funding is generally not available to leverage local spending. In fiscal year 2001, the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee which I then chaired, I was able to secure $1.2 billion for school repair and renovation. I continue to hear nothing but positive feedback from educators across the country about that funding.

But that one-time investment amounted to nothing more than a drop in the bucket compared to the estimated national need. In 1995, the General Accounting Office reported that the nation's K–12 schools needed some $112 billion in repairs and upgrades. A more recent study by the National Education Association put the estimate as high as $322 billion.

I have been heartened by the recent boom in local and State spending on

school facilities. However, the distribution of these recent investments has been overwhelmingly slanted to the most affluent communities which are better able to fund new investments without outside assistance. A 2006 study released by the Building Educational Success Together, BEST, coalition found that the quality of your child's school is dependent upon his or her racial or ethnic background and whether they live in a rich or poor neighborhood.

Local spending on school facilities in affluent communities is almost twice as high as in our most disadvantaged communities, as measured on a per-pupil basis. The report also found that school districts with predominantly caucasian enrollment benefited from about $2000 more per student in school repair and construction spending than their peers living in school districts with predominantly minority enrollment.

The Public School Repair and Renovation Act addresses that inequity by targeting school renovation grants to those communities that have struggled to fund needed repairs. The bill builds on the model States found successful in the fiscal year 2001 program. States would receive funding based on their most recent Title I allocation to initiate a competitive grant program targeted to poor and rural school districts. States have the discretion to require matching funds from the local district bringing the potential funding to much more than the $1.6 billion Federal investment.

I would like to thank my colleagues, Senators KENNEDY, CLINTON, and MIKULSKI for signing on to this bill. In addition, I am pleased to report this legislation has the support of a diverse group of national education organizations representing teachers, school boards, school administrators, and principals.

The Public School Repair and Renovation Act takes a much needed step forward in fixing the inequity in public school facilities. Something is seriously wrong when children go to modern, gleaming movie theaters, shopping malls, and sports arenas, but attend public schools with crumbling walls and leaking roofs. This sends exactly the wrong message to children about the importance of education.

I hope that my colleagues will support the Public School Repair and Renovation Act.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Justice for Victims of State Sponsored Terrorism Act with my colleagues, Senators SPECTER, MENENDEZ, CORNYN, COLEMAN, LOTT, LIEBERMAN, SCHUMER, CLINTON, CASEY, COLLINS, GRAHAM, BIDEN, STEVENS, and FEINSTEIN.

I am proud to introduce this legislation on behalf of the many Americans who have suffered at the hands of State sponsors of terrorism. This important legislation will allow victims of state sponsored terrorism to have their day in court. It will do so by enabling these individuals to both sue for liability and seek financial compensation from the states, such as Iran, which committed these murderous acts, thereby starving them of the funds that they use to strike at innocent victims.

In 1983, the U.S. Marine Corps barracks in Beirut, Lebanon, was bombed by the Lebanese terrorist organization Hezbollah, killing 241 servicemen and wounding 100 others. In 2003, the U.S. District Court in Washington, DC, found the Republic of Iran, which directly supports Hezbollah, guilty of masterminding that bombing. The victims and their families have the right to sue their tormentors and have judgments against Iran, yet the judgments are not being enforced.

In 1996, the President signed into law legislation that I wrote to amend the Foreign Sovereign Immunities Act to give private American citizens the right to hold U.S. Department of State-designated state sponsors of terrorism liable in U.S. courts. This legislation, also known as the Flatow amendment, needs to be clarified and updated. The bill I am introducing today will bring clarity to this law on behalf of victims of terrorism and reaffirm their right to sue and collect damages from state sponsors of terrorism.

There are several reasons why the law needs to be improved. First, the courts decided in 2004 in Cicippio-Puleo v. Islamic Republic of Iran that, contrary to the intent of the Flatow amendment, there would be no Federal private right of action against foreign governments. The ruling stated that there could only be legal action against individual officials and employees of that government. Second, current law permits judgment holders to only seize assets over which a terrorist state has day-to-day managerial control, thereby allowing terrorist states to hide their assets from the victims who have successful judgments against them. Third, state sponsors of terrorism, such as Libya, which is still responsible for terrorist acts it committed in the past, have consistently abused the appeals process to delay litigation proceedings.

My new legislation will address these issues and improve the ability of victims to hold state sponsors of terrorism accountable. First, it will update the Flatow amendment to improve its enforcement by reaffirming the right of private citizens to sue state sponsors of terrorism. Second, it will allow for the seizure of hidden commercial assets belonging to the terrorist state so that the victims of terrorism can be justly compensated. Third, it will limit the number of appeals that the terrorist state can pursue in U.S. courts. In addition, my legislation will provide foreign nationals working for the U.S. Government, if they are victims of a terrorist attack during their official duties, to be covered by these same provisions.

While nothing can bring back innocent lives lost to terrorism, the state sponsors of these horrific acts must be made to pay for their crimes. We are united in our belief that state-sponsored terrorism is wrong and that the perpetrators of terrorism must be brought to justice. This legislation will also strengthen our national security by combating the desire and ability of foreign nations to both finance and support terrorism. Most importantly, it will empower those innocent victims who have suffered from terrorism to seek justice through the rule of American law.

I urge my colleagues on both sides of the aisle to support justice for victims of state sponsored terrorism by supporting this important bill. 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. 1944

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 ''Justice for Victims of State Sponsored Terrorism Act''.

SEC. 2. TERRORISM EXCEPTION TO IMMUNITY.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—

''(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

''(2) CLAIM HEARD.—The court shall hear a claim under this section if—

''(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

''(B) the claimant or the victim was—

''(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

''(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

''(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

''(1) 10 years after April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

''(h) PROPERTY DISPOSITION.—

''(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

''(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

''(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property by the government of the foreign state;

''(B) whether the profits of the property go to that government;

''(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

''(D) whether that government is the sole beneficiary in interest of the property; or

''(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(b) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(c) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(B) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (7); and

(2) by striking subsections (e) and (f).

SEC. 4. APPLICATION TO PENDING CASES.

(a) IN GENERAL.—The amendments made by this Act shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this Act.

(b) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN)

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is often for all the wrong reasons: fraud, tax avoidance, profiteering, etc. Yet many of the companies that are currently providing jobs across America are conscientious corporate citizens that strive to treat their workers fairly even as they seek to create good products that consumers want and to maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers, and create incentives that encourage more companies to do likewise. The Patriot Employers bill does just that.

This legislation, which I am introducing today along with Senators OBAMA and BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages; provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria:

First, invest in American jobs, by maintaining or increasing the number of full-time workers in America relative to the number of full-time workers outside of America, by maintaining their corporate headquarters in America if the company has ever been headquartered in America, and by maintaining neutrality in union organizing drives.

Second, pay decent wages, by paying each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least $7.80 per hour.

Third, prepare workers for retirement, either by providing a defined benefit plan or by providing a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance, by paying at least 60 percent of each worker's health care premiums.

Fifth, support our troops, by paying the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and also by continuing their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrong-doing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator OBAMA, Senator BROWN, and me in supporting this effort. Our best companies, and our American workers, deserve nothing less.

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. 1945

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 ''Patriot Employers Act''.

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45O. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

''(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

''(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

''(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

''(2) pays at least 60 percent of each employee's health care premiums,

''(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

''(4) if such taxpayer employs at least 50 employees on average during the taxable year—

''(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

''(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

''(C) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

''(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

''(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

''(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

''(B) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.''.

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code or 1986 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following:

''(32) the Patriot employer credit determined under section 45O.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN to introduce the Public Corruption Prosecution Improvements Act of 2007, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide. This is the time to restore the faith of the American people in their Government. Congress took an important step in that direction today in passing long-awaited ethics and lobbying reforms that will tighten restrictions on those of us who hold public office, and those who seek to lobby us on behalf of private industry. But rooting out the kinds of rampant public corruption we have seen in recent years requires us to go further and to give prosecutors the tools they need to effectively investigate and prosecute criminal public corruption offenses.

The most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they will not get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for Federal prosecutors to combat it. This b1ll will do exactly that.

The bill Senator CORNYN and I introduce today, like a bill that I introduced in the Senate in January, will provide investigators and prosecutors more time and resources to pursue public corruption cases. But it goes a step further by amending several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities.

The bill will help improve the prosecution of public corruption offenses in three fundamental ways. First, the bill would give investigators and prosecutors more time and resources to uncover, charge, and prove three of the most serious and corrosive public corruption offenses. Specifically, it would extend the statute of limitations from 5 years to 6 years for prosecutions involving bribery, deprivation of honest services by a public official, and extortion by a public official. Public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require the use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Bank fraud, arson and passport fraud, among other

offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy, and a more modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

The bill would also provide significant additional funding for public corruption enforcement. Since 9/11, FBI resources have been shifted away from the pursuit of public corruption cases to counterterrorism. FBI Director Mueller has recently indicated that public corruption is now a top criminal investigative priority; but a September 2005 report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. This must be reversed; our bill will give Offices of Inspector General, the FBI, the U.S. Attorney's Offices, and the Public Integrity Section of the Department of Justice additional resources to hire additional public corruption investigators and prosecutors. These offices will finally be able to have the manpower they need to track down and prosecute these difficult but crucially important cases.

Second, the bill contains a series of legislative fixes designed to improve the clarity and enhance the effectiveness of existing Federal corruption statutes, such as the law criminalizing the acceptance of bribes and gratuities, and the law that govern mail and wire fraud. The bribery-gratuities fix resolves ambiguity in the law by making clear that public officials may not accept anything of value, other than what is permitted by existing regulations, that is given to them because of their official position. Similarly, the bill appropriately expands the definition of what it means for a public official to perform an ''official act'' for the purposes of the bribery statute to include any actions that fall within the duties of that official's public office. The bill also adds two corruption-related crimes as predicates for the Federal wiretap and the racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands venue for perjury and obstruction of justice prosecutions.

Third, the bill raises the statutory maximum penalties for theft of Government property and Federal bribery to reflect the serious and corrosive nature of these crimes, and to harmonize these statutory maximums with others for which Congress has already raised penalties. Increasing penalties in appropriate cases sends a message to would-be criminals and to the public that there will be severe consequences for breaching the public trust.

If we are serious about addressing the kinds of egregious misconduct that we have recently witnessed in high-profile public corruption cases, Congress must enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing the ethics and lobbying reform bill is a step in the right direction. But we must finish the job by strengthening the criminal law to enable Federal investigators and prosecutors to bring those who undermine the public trust to justice. I strongly urge Congress to do more to restore the public's faith in their Government.

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. 1946

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 ''Public Corruption Prosecution Improvements Act''.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299A. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking ''anything of value'' and inserting ''any thing or things of value''; and

(B) striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(2) by amending paragraph (2) to read as follows:

''(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''15 years''.

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(2) by inserting ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 664 (relating to embezzlement from pension and welfare funds),''.

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(C) of title 18, United States Code, is amended by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records, section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (relating to bribery in sporting contests),''.

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting ''otherwise than as provided by law for the proper discharge of official duty, or by regulation—'';

(2) in subparagraph (A), by inserting after '', or person selected to be a public official,'' the following: ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official''; and

(3) in subparagraph (B), by striking all after '', anything of value personally,'' and inserting ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;''.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.''.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(2) in subsection (c), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended by striking ''A prosecution under this section or section 1503'' and inserting ''A prosecution under this chapter''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under this chapter may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. CORNYN. Mr. President, I am proud to introduce this important legislation with Senator PATRICK LEAHY, the distinguished Chairman of the Judiciary Committee. This bill is yet another example of the great things that can come from bipartisan cooperation.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC problem. It is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The legislation we introduce today, the Public Corruption Prosecution Improvements Act, will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and public trust. Our bill does this both by making substantive changes to public corruption laws and by giving prosecutors new tools to use in their battle against corrupt officials.

The Public Corruption Prosecution Improvements Act increases the maximum punishments on several offenses, including theft and embezzlement of Federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 year and lowering the threshold that prosecutors must prove, from $5,000 to $1,000. It clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill broadens the definitions of ''illegal gratuities'' and ''official acts,'' clarified that an entire ''course of conduct'' can be the result of bribery, and clarified that intangible property interests such as licenses can now trigger the mail and wire fraud provisions.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case. It expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where any part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

Finally, the legislation gives Federal law enforcement what they need most to prosecute public corruption: more resources. Funding of $25 million for each of the fiscal years 2008–2011 will help enhance the ability of the Department of Justice and the Offices of Inspectors General to effectively combat fraud and public corruption.

Importantly, these improvements to current law come with significant input from the career professionals in the Department of Justice.

But this legislation by itself is only a start if we want to clean up Washington, DC. Two additional reforms, in particular, are necessary: the OPEN Government Act, and earmark reform. The operations of Government should be as transparent as possible. Quite simply, refusing to let the public have full access to Government records is a betrayal of public trust. This Senate must live up to its duty to provide transparent government and pass the crucial FOIA reforms contained in the OPEN Government Act.

Similarly, Congress too often permits its members to walk ethical tight-

ropes through questionable earmarking practices. The public sees these for what they too often are: handouts of taxpayer money to special interests. I think it is of the utmost importance that we increase transparency in the earmarking process, exposing the process to the light of the day.

I urge my colleagues to support the Public Corruption Prosecution Improvements Act, as well as these other important reforms. I look forward to debating these issues in Committee and here on the Senate floor. And I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS to introduce the Continuing the Advancement of Quality Improvement Act.

The purpose of this legislation is to reform Medicare's troubled Quality Improvement Organization, QIO, program. QIOs and their predecessor organizations have long been responsible for ensuring that the care Medicare beneficiaries receive is medically necessary, meets recognized standards and is provided in appropriate settings. They are currently tasked with a wide variety of important roles ranging from investigating beneficiary complaints of poor quality care to giving technical assistance to Medicare providers for improving health care quality.

I have been an advocate of reforming the QIO program for quite some time. About 2 years ago, I initiated an investigation into a number of the QIOs. Those investigations revealed a program that is in desperate need of reform. This program was running with little or no oversight, and it was expending more than $1 billion every 3 years with little measurable results. In other words, I found trouble. Let me elaborate on a few disturbing things that I discovered. I found that one QIO leased residential properties for board members and a CEO. That same QIO also used Federal funds to lease automobiles for its top executives. I also found other QIOs who had board members and staff attend conferences, many at lavish resorts.

I was not the only one to identify serous concerns with the QIOs. Others identified concerns too. Specifically, the Institute of Medicine, IOM, the General Accountability Office, GAO, and the Department of Health and Human Services, HHS, Office of the Inspector Geheral (OIG) all identified numerous concerns about the effectiveness of this program. These independent organizations also voiced their concerns with the manner in which it is operated and have made recommendations for major reform. Their findings clearly show the need to hold the Centers for Medicare and Medicaid Services, CMS, and the organizations that serve as QIOs accountable for the important tasks they must perform.

The Continuing the Advancement of Quality Improvement Act will ensure that the QIO program is not only effective in improving the quality of care provided to our Medicare beneficiaries, but also that it operates in an effective, efficient and accountable manner. Much of this legislation is based on the investigations that I conducted and the troubling findings that I came across and on the work of the IOM, the GAO, and the HHS OIG.

First, the Continuing the Advancement of Quality Improvement Act would focus the mission of the QIO program on quality improvement. QIOs currently have many diverse responsibilities. As a result, they served conflicting roles of both ''regulator'' and ''technical assistant.'' This conflict poses significant barriers to QIOs effectively serving either role, and we have come to learn that they really don't perform either function particularly well.

The legislation would also address this conflict by following the IOM's recommendation to make the sole purpose of QIOs to be technical assistants for quality improvement and performance measurement. The HHS Secretary would be required to transfer all other QIO: responsibilities to other entities called Medicare Provider Review Organizations, MPROs, in a manner that will support the needs of beneficiaries and be accountable to them.

Second, the legislation would improve the beneficiary complaint review process that I think is in desperate need of reform. You may recall that in 2006 we read about the plight of Mr. Schiff. Mr. Schiff went to a QIO and filed a complaint about the care provided to his wife, who died. The QIO in that case was unresponsive to Mr. Schiff. He was forced to take legal action to learn what the QIO found out about his wife's death. He should not have had to do that. After all, he was the one who filed the complaint with the QIO in the first place because he thought that someone did something wrong that lead to his wife's death. It was at that juncture that I learned that the beneficiary complaint review process was too opaque and ineffective. More importantly, beneficiaries were not being properly served. In fact, I came to learn that complainants often do not receive the findings of the investigation conducted by the QIO. Now I ask; what sense does that make?

The Continuing the Advancement of Quality Improvement Act would require MPROs to report the investigational findings to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. In other words, this part of the bill would bring transparency to a process now shrouded in a cloud of silence.

Third, the Continuing the Advancement of Quality Improvement Act would ensure that limited resources go to providers that need them the most. The GAO recently found that QIOs prioritized their assistance to providers who would be easiest to help rather than the providers who were most in need of help. In other words the QIOs decided it was easier to take a B plus student and make them into an A student rather than putting their resources into the D student to bring them up to par. I guess that way they thought that they would look better and more successful. But if you ask me; that is not the best way to spend limited taxpayer resources. Now, this bill will insure that if demand for technical assistance exceeds available resources, the QIOs would give priority to providers that are in rural or underserved areas, in financial need, have low performance measures or have a significant number of beneficiary complaints. In other words the help is going to go to those who need it most.

Fourth, the Continuing the Advancement of Quality Improvement Act would make QIO data more available to CMS and providers for quality improvement and patient safety purposes. Amazingly enough, QIOs are currently restricted from sharing such data despite the obvious value of this data for improving health care quality. This legislation would permit the sharing of QIO data with providers for quality improvement and patient safety purposes and require CMS to make recommendations on how to improve the data sharing process.

Fifth, the Continuing the Advancement of Quality Improvement Act would promote competition in the QIO program. This is a giant leap forward. These organizations are currently not subject to significant competition because of limitations on who can be a QIO and the availability of noncompetitive contract renewals. This lack of competition has led to a gross lack of accountability and stagnation in the QIO program. This legislation would promote competition by allowing other types of organizations to serve as QIOs and eliminate noncompetitive renewals.

Sixth, the Continuing the Advancement of Quality Improvement Act would enhance governance at the QIOs. During the course of my investigations I identified repeated failures in governance. I exposed board members who were more interested in helping themselves than helping others.

This bill will also address board member conflicts of interest. My investigations identified numerous incidents of questionable QIO governance practices and board member conflicts of interest. Since the QIO program receives over $400 million in taxpayer funding every year, it is reasonable for us to expect not only that QIOs are governed in an ethical manner free of conflicts of interest, but also that CMS appropriately oversees the program. This

legislation would require QIOs to comply with board governance requirements and would require CMS to establish procedures to address conflicts of interest and follow those procedures.

Finally, the Continuing the Advancement of Quality Improvement Act would increase much needed accountability in the QIO program. The I0M, the GAO and the HHS OIG have all questioned the effectiveness of the QIO program. This legislation would require the Secretary to perform interim and final evaluations of program effectiveness not only at the individual QIO level, but at the overall QIO program level as a whole. Also, high performing QIOs would receive financial rewards while low performing QIOs would receive financial penalties. Finally, the Secretary would be required to submit a more detailed annual report showing performance results of QIOs and MPROs and details on how taxpayer dollars are spent.

We have been placing more emphasis on the quality of care that our Medicare beneficiaries receive from providers. You see this as we require more transparency in the Medicare program with the public reporting of provider quality measures. You also see this as we transform Medicare from being a passive payer of services of any quality to a value-based purchaser. These are important reforms that will help improve the quality of care provided in the Medicare program and work toward ensuring that limited resources are used more efficiently and wisely.

As we move toward a payment system based on quality, the reforms in this bill will position the QIO program to support that transformation in Medicare to a quality-based purchaser by making the tools and assistance available to help Medicare providers improve the quality of the care they provide. The Continuing the Advancement of Quality Improvement Act would ensure the QIO program's ability to provide this assistance in an effective, efficient and accountable manner and correct the problems currently plaguing the program.

Mr. BAUCUS. Mr. President, today I am pleased to join Senator GRASSLEY in introducing the Continuing the Advancement of Quality Improvement Act of 2007.

This bill represents another step in our commitment to improving the quality of care provided for Medicare beneficiaries and all Americans.

The Medicare program funds Quality Improvement Organizations, known as QIOs, in part to work with health care providers to help them improve the quality of care they provide.

QIOs have played an evolving role in Medicare. Recently, the QIO program has received a great deal of attention. Not only did Senator GRASSLEY and I have the Senate Finance Committee look into aspects of QIO operations, but the Institute of Medicine, the Government Accountability Office, and the Health and Human Services' Inspector General have all opined about QIOs as well. It seems there is a consensus that the QIO program could be doing more to help improve the quality of care.

That is not to say that QIOs have not been doing good work and providing valuable services up until now. Quite the opposite. However, over the course of time, QIOs have been tasked with a number of responsibilities and the program's mission has become blurred.

What Senator GRASSLEY and I found, as well as the IOM, the GAO, and the HHS, OIG, is that the QIO program needs a sharper focus. Its mission to improve quality must be clear and unambiguous. Therefore, the Continuing the Advancement of Quality Improvement, or CAQI, Act would focus QIOs on providing technical assistance for quality improvement and performance measurement.

The bill would separate the beneficiary complaint process from QIOs and give this responsibility to Medicare Provider Review Organizations, which will be required to report to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. This will make the complaint review process stronger.

The CAQI Act would ensure that QIOs devote their attention to the health care providers that need help the most. It would also permit sharing QIO data with providers for quality improvement and patient safety purposes.

The Finance Committee investigation of the QIO program led Senator GRASSLEY and I to include certain provisions we believe will enhance the integrity of the program. So, the CAQI Act would promote competition by allowing other types of organizations to serve as QIOs and eliminating noncompetitive renewals.

To ensure ''corporate'' integrity, the CAQI Act would establish requirements for governance and boards of directors at the QIOs, as well as requiring CMS to establish ways to avoid conflicts of interest.

The CAQI Act aims to ensure greater accountability for individual QIOs, and the QIO program as a whole. It would require the Secretary to perform evaluations of the effectiveness of each QIO and the whole program. QIOs would be evaluated on consistent measures that are based on nationwide priorities for quality improvement. The Secretary would be required to report to Congress annually on QIO performance, including how program funds were spent.

The QIO program is an asset to the Medicare program and the health care system in general. We have an opportunity to improve its effectiveness. We can make it a more useful tool as we continue advancing toward quality improvement. We have a duty to make the Medicare program as strong and robust as it can be. The Continuing the Advancement of Quality Improvement Act presents an opportunity to do just that. Senator GRASSLEY and I urge our Colleagues to support it.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

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. 1949

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 ''100th Meridian Invasive Species State Revolving Loan Fund''.

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the regrowth and introduction of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish a rapid response capability to combat incipient harmful invasive species.

SEC. 3. 100TH MERIDIAN INVASIVE SPECIES STATE REVOLVING FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term ''ecosystem'' means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term ''eligible State'' means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term ''Fund'' means the 100th Meridian Invasive Species State Revolving Fund established by subsection (b).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term ''introduction'', with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term ''invasive species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term ''qualified organization'' means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem.

(B) INCLUSIONS.—The term ''qualified organization'' includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

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

(9) STAKEHOLDER.—The term ''stakeholder'' includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''100th Meridian Invasive Species State Revolving Fund'', consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section; and

(B) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to Governors of eligible States for distribution to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as the Governor may require.

(ii) CRITERIA FOR APPROVAL.—The Governor of an eligible State may approve an application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that seeks to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—

(aa) desert terminal lakes;

(bb) rivers that feed desert terminal lakes;

(cc) desert springs; and

(dd) alpine lakes;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(VIII) to assess and reduce invasive species-related changes in wildlife habitat;

(IX) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(X) to improve the overall capacity of the United States to address invasive species; or

(XI) to promote cooperation and participation between States that have common interests regarding invasive species.

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—On approval of an application of a qualified organization under subparagraph (B)(ii), not less frequently than once every 90 days, the Governor of an eligible State shall submit to the Secretary, on behalf of the qualified organization, petitions, together with copies of the applications, to receive a loan under this paragraph.

(ii) APPROVAL.—The Secretary, at the sole discretion of the Secretary, may approve a petition submitted under clause (i) as soon as practicable after the date of submission of the petition.

(iii) ACTION ON APPROVAL.—

(I) ACTION BY SECRETARY.—Not later than 30 days after the date of approval of a petition under clause (ii), the Secretary shall provide to the applicable Governor a loan under this paragraph.

(II) ACTION BY GOVERNOR.—Not later than 30 days after the date of receipt of a loan under subclause (I), a Governor shall transmit to the appropriate qualified organization an amount equal to the amount of the loan.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iv), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization or the eligible State in which the qualified organization is located shall repay to the Secretary of the Treasury an amount equal to not less than 5 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) REPAYMENT BY STATE.—Subject to clause (iv), not later than 10 years after the date on which the qualified organization receives a loan under paragraph (1), the State in which the project is carried out shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iv) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) through (iii) with respect to 1 qualified organization (including the State in which the project of the qualified organization is carried out, with respect to the requirement under clause (iii)).

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2008, and annually thereafter through September 30, 2012, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during

that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) $75,000,000 for fiscal year 2008;

(2) $80,000,000 for fiscal year 2009;

(3) $82,500,000 for fiscal year 2010;

(4) $85,000,000 for fiscal year 2011; and

(5) $87,500,000 for fiscal year 2012.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I would like to discuss legislation I am introducing with the Senior Senator from Wisconsin, Mr. KOHL, which would protect ginseng farmers and consumers by ensuring that ginseng is labeled accurately with where the root was harvested. The Ginseng Harvest Labeling Act of 2007 is similar to bills that I introduced in previous Congresses and developed after hearing suggestions from ginseng growers and the Ginseng Board of Wisconsin.

I would like to take the opportunity to discuss American ginseng and the problems facing Wisconsin's ginseng growers so that my colleagues understand the need for this legislation. Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes. As a dietary supplement, American ginseng is widely touted for its ability to improve energy and vitality, particularly in fighting fatigue or stress.

In the U.S., ginseng is experiencing increasing popularity as a dietary supplement, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence. Wisconsin produces over 90 percent of the ginseng grown in the U.S., with the vast majority of that ginseng grown in just one Wisconsin county, Marathon County. Ginseng is also grown in a number of other states such as Maine, Maryland, New York, North Carolina, Oregon, South Carolina, and West Virginia.

For Wisconsin, ginseng has been an economic boon. Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a low pesticide and chemical content. In 2002, U.S. exports of ginseng totaled nearly $45 million, much of which was grown in Wisconsin. With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem, smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as ''Wisconsin-grown.''

Here is how the switch takes place: Wisconsin ginseng is shipped to China to be sorted into various grades. While the sorting process is itself a legitimate part of distributing ginseng, smugglers too often use it as a ruse to switch Wisconsin ginseng with Asian or Canadian-grown ginseng considered inferior by consumers. The lower quality ginseng is then shipped back to the U.S. for sale to American consumers who think they are buying the Wisconsin-grown product.

There is good reason consumers should want to know that the ginseng they buy is American-grown considering that the only accurate way of testing ginseng to determine where it was grown is to test for pesticides that are banned in the U.S. The Ginseng Board of Wisconsin has been testing some ginseng found on store shelves, and in many of the products, residues of chemicals such as DDT, lead, arsenic, and quintozine, PCNB, have been detected. Since the majority of ginseng sold in the U.S. originates from countries with less stringent pesticide standards, it is vitally important that consumers know which ginseng is really grown in the U.S.

To capitalize on their product's preeminence, the Ginseng Board of Wisconsin has developed a voluntary labeling program, stating that the ginseng is ''Grown in Wisconsin, U.S.A.'' However, Wisconsin ginseng is so valuable that counterfeit labels and ginseng smuggling have become widespread around the world. As a result, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation, the Ginseng Harvest Labeling Act of 2007, proposes some common sense steps to address some of the challenges facing the ginseng industry. My legislation requires that ginseng, as a raw agricultural commodity, be clearly labeled with the country of harvest at the point of importation or when it is sold at wholesale or retail. ''Harvest'' is important because some Canadian and Chinese growers have ginseng plants that originated in the U.S., but because these plants were cultivated in a foreign country, they may have been treated with chemicals not allowed for use in the U.S. This label would also allow buyers of ginseng to more easily prevent foreign companies from mixing foreign-produced ginseng with ginseng harvested in the U.S. The country of harvest labeling is a simple but effective way to enable consumers to make an informed decision.

I have also made sure that these straight-forward labeling provisions are reasonable for the legitimate importers, wholesalers and retailers of ginseng. My bill only covers ginseng as a raw root, the form in which the majority of the high quality Wisconsin ginseng is sold. I have also clarified the legislation to make it clear that retailers are only responsible for transmitting the country of harvest label that they received from the importer or wholesaler to the consumer. So if the retailer never received the country of harvest label, it is only the wholesaler or importer that is liable. Moreover, I added a provision that requires the USDA to conduct outreach to the wholesalers, importers, retailers, trade associations and other interested parties during the 180 days provided before the labeling requirement takes effect.

Besides the support from the ginseng growers of the Ginseng Board of Wisconsin, I am glad to have the support of the American Herbal Products Association and the United Natural Products Alliance. The support of both the growers of ginseng and these trade associations focused on herbal and natural products are further testament to the broad support for the legislation Senator KOHL and I introduce today.

These commonsense reforms would give ginseng growers the support they deserve and help consumers make informed choices about the ginseng that they consume. We must ensure that when ginseng consumers seek out a high-quality ginseng root—such as Wisconsin-grown ginseng, they are getting the real thing, not a knock-off.

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. 1953

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 ''Ginseng Harvest Labeling Act of 2007''.

SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—Ginseng

''SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means an herb or herbal ingredient that is derived from a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

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

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested .

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a retail purchaser of the ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FAILURE TO DISCLOSE.—The Secretary may impose on a person that fails to comply with subsection (b) a civil penalty in an amount of not more than—

''(1) $1,000 for the first day on which the failure to disclose occurs; and

''(2) $250 for each subsequent day on which the failure to disclose continues.

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2007. This is an updated version of a bill I introduced last year, and I am proud to bring it back.

I am excited that this year's bill is bipartisan. I am happy that Senator GRASSLEY has joined me in introducing this bill. Given all of our work together on the Medicare prescription drug benefit, I am glad he is a cosponsor. I also am pleased to have our Senate colleagues join us on this important piece of legislation.

The Medicare prescription drug benefit got off to a bumpy start last year. A lot of the problems have been fixed, and the benefit is providing millions of seniors with access to affordable prescription drugs. Unfortunately, a number of the problems facing pharmacists remain. We need to help them.

The Medicare drug benefit brought about big changes to the pharmacy business. Dual eligible beneficiaries switched from Medicaid to Medicare drug coverage. Many more seniors have drug coverage. Dozens of new private drug plans are available.

I have heard from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit depends on the pharmacists who deliver the drugs. So we have to help them. We must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies serve the most vulnerable patients and should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delays in receiving payment from drug plans have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks. And the bill would impose a monetary penalty on plans that pay late.

One of the most common complaints from beneficiaries has been how confusing the practice of co-branding is. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. That is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that plans provide pharmacists with more accurate and updated information about reimbursement rates. Currently, some plans do not divulge to pharmacists how much a particular prescription will be reimbursed prior to dispensing. This bill would require disclosure before a pharmacist dispenses. It would require regular updating and disclosure of pricing standards.

The problems that pharmacists are facing are real. And they are not going away. We must act on the Pharmacy Access Improvement Act before it is too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. My cosponsors and I urge our colleagues to support it.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS, as well as Senators LINCOLN, ROBERTS, CONRAD, ENZI, SCHUMER, COCHRAN, SALAZAR, SMITH, BINGAMAN, and SNOWE, to introduce the Pharmacy Access Improvement Act.

I am pleased with how well the Medicare Part D program is working. It has demonstrated how effectively private sector competition can work in delivering an entitlement benefit. The program has defied official predictions and come in under budget by $113 billion compared to the baseline projected in 2006. Premiums, initially estimated at $37 for 2006, in fact averaged $23; in 2007 they fell to an average of $22. We understand that this year's bids are even lower and that premiums are expected to fall again next year. The vast majority of Medicare beneficiaries have enrolled in the program, and while there were some troubling start-up problems initially, beneficiaries are very pleased with their plans.

At the same time, the first years of implementation of the Part D program have revealed some areas in which the program can be improved. One is related to pharmacy participation in the program. Changes are needed to ensure that Part D treats pharmacies as Congress intended and to make the program friendlier to pharmacists and independent pharmacies.

As Senator BAUCUS, Senator LINCOLN, and my other colleagues and I talked to beneficiaries, pharmacists, pharmacy owners and prescription drug plans about changes that would make Medicare Part D work better, many of our discussions centered around how to make sure that Part D works not just

for the beneficiaries, the chain drugstores, and the plans, but also for the local, independent pharmacies, the long-term care pharmacies, and the safety net pharmacies that many beneficiaries rely on. That is exactly what this bill is intended to do.

My colleagues and I hope with this bill to improve contracting for pharmacies, increase CMS's and prescription drug plans' customer service, and give beneficiaries better access to pharmacies. Let me give you some of the specifics of the bill.

First, the Pharmacy Access Improvement Act would strengthen standards for ensuring convenient beneficiary access to pharmacies. During the first two years of implementation, CMS has permitted some plans to meet the pharmacy access requirements in the law by counting non-preferred and out-of-network pharmacies. The plans charge higher cost-sharing at these pharmacies to discourage their use and drive utilization to preferred pharmacies. Counting non-preferred and out-of-network pharmacies to meet the access requirements is clearly not what Congress had in mind in establishing the beneficiary access guarantees in the law. To correct this problem, this bill would require that plans, with certain exceptions, count only ''open'' pharmacies, those that are accessible to the general public, in meeting the Medicare pharmacy access standard.

It also would require plans to count only their preferred in-network pharmacies, not the non-preferred pharmacies, in determining whether they meet the access standard.

The bill would allow pharmacies to initiate negotiations with plans under the ''any willing pharmacy'' provision regardless of whether they had already rejected, or failed to act on, previous offers from the plan.

The bill also would help ensure the inclusion of safety-net pharmacies in a prescription drug plan's network by preventing plans from specifically excluding 340B entities in the terms of their contracts. 340B entities include federally qualified health centers, migrant health centers, health centers for residents of public housing, school health centers, as well as black lung clinics, entities receiving grants for early intervention for HIV under the Ryan White Act, disproportionate share hospitals, and others. They serve more than ten million people.

Many of these entities operate their own pharmacies, which operate under different constraints than other retail pharmacies. They may have abbreviated hours or be available only to patients of the 340B entity. If 340B entities' pharmacies are not available as in-network pharmacies in Part D, these patients may have difficulty getting their prescription drugs.

The Model Safety Net Pharmacy Addendum was developed by the Centers for Medicare and Medicaid Services and the Health Research and Services Administration to facilitate 340B entities' participation in Medicare Part D. Because it takes the 340B entities' special circumstances into account, it has appropriate contract language for Part D plans to use when contracting with safety net pharmacies. Under the bill, plans would have to apply the Model Safety Net Pharmacy Addendum to their contracts if a 340B entity so requests.

The bill also would require plans to include a contract provision to allow these safety net pharmacies to waive cost-sharing if the entity so requests. Many safety-net pharmacies waive cost-sharing for their patients, but the Part D plan contracts typically prohibit this. Given that 340B entities serve low-income and poor populations, we believe those entities should be able to waive cost sharing for drugs, and our bill would facilitate that.

We have found that long-term care pharmacies similarly operate under conditions different from those of retail pharmacies serving the general population. For institutionalized populations, each resident's daily drugs must be specially packaged to help ensure that each gets the drugs meant for her, not for other residents. Long-term care pharmacies specialize in this, but the Part D rules to date do not adequately reflect how long-term care pharmacies work with long-term care facilities, which affects residents' access to these pharmacies. Our bill would require the Secretary to establish rules that include pharmacy access standards for long-term care residents.

Another problem that has arisen in the implementation of Part D concerns the ability of beneficiaries to obtain extended supplies of their drugs from a local pharmacy. Our bill therefore would ask the Secretary to establish standards for access to pharmacies that dispense extended supplies of covered drugs.

We have also heard from our local independent pharmacies that many, despite contract terms, face delayed payments from prescription drug plans. Given that the pharmacies must pay for their drugs on a more abbreviated schedule, these delays have created cash-flow crises for some pharmacies and put some at risk of closing. As much as I hate to legislate contract terms, I would hate more for the independent pharmacies in my State to close and my beneficiaries to be left without a pharmacy. In our bill, we would require plans to pay most pharmacies within 14 days upon receipt of an electronically submitted clean claim. For paper claims, they would have 30 days. If they were late, the prescription drug plans would have to pay the pharmacies interest. If a pharmacy submitted claims electronically and requested electronic payment, the plan would have to pay electronically.

Because long-term care pharmacies operate under unusual circumstances compared with retail pharmacies, our bill would allow pharmacies in long-term care facilities, or that contract with long-term care facilities, at least 30 days but no more than 90 days to submit their claims for reimbursement to the plans.

Another problem involves how plans use maximum allowable prices as the upper limit of what they will pay a retail pharmacy for the cost of a drug. What has come to light is that some plans will not disclose to the contracting pharmacies exactly what the maximum allowable prices are either when the contract is proposed to them or even after they sign the contract.

It seems unconscionable to me that a pharmacy would be expected to sign a contract where the price term is hidden and not disclosed. In the Medicare program, no other health care providers are subject to signing a contract in which they don't know what they will get paid.

Another abusive practice by some plans occurs when they do not update their maximum allowable prices in a timely manner. When a pharmaceutical company raises its price for a drug the pharmacy has to pay that new higher price right away. But the plan might not update what it pays for weeks. That leaves the pharmacy to absorb the difference. The plans that do this know exactly what they are doing. They know they are making the pharmacies eat the higher cost while they delay updating their payment rates. To address these concerns, the bill would require plans to disclose to pharmacies their ''maximum allowable cost'' pricing, and also to update those prices as they change, through an Internet website and a toll-free phone number.

Similarly, the bill would require plans to update their prescription drug pricing standard at least every seven days. The drug pricing standard changes frequently, and the price the pharmacy is paid is based on that standard, and so it seemed fair to us that the prescription drug plans' payments should reflect recent changes.

Our bill is intended to improve CMS's and prescription drug plans' service to pharmacies. It would require the HHS Secretary to establish a pharmacists' toll-free hotline. Prescription drug plans would have to establish separate pharmacists' and physicians' toll-free hotlines, and would have to comply with customer service standards established by the Secretary. We hope this will prevent pharmacists being placed on long holds when they have customers standing at the counter waiting for their drugs.

We have some questions about pharmacists' average dispensing fees, and under the bill the HHS Inspector General would conduct a study of dispensing fees, including studying whether the pharmacist is dispensing a standard prescription or an extended one; whether the pharmacist is in a chain store or an independent pharmacy; whether the pharmacy dispenses specialty pharmacy products, or is a

long-term care pharmacy. The Inspector General's report would be due October 1, 2008.

I believe that with these changes, the Medicare Part D program will work even better for beneficiaries and for the pharmacies that serve them. As we refine the Medicare Part D program, we want to build on its success even as we hope to make it fairer to all the stakeholders involved, the beneficiaries, the pharmacies, the PDP plans, and the manufacturers. I believe this bill does just that.

By Mr. CONRAD (for himself and Ms. STABENOW): S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

Mr. CONRAD. Mr. President, our Nation's first responders are vital to protecting our citizens from everyday crime, and to keeping our citizens safe from fire and health-related emergencies. Our first responders are also vital in the event of disaster, whether man-made or natural.

But these same men and women that keep us safe and healthy at home are often called upon to fight for our country abroad with the National Guard and Reserves; or sometimes they are called to active duty within the U.S. The demands on the Guard and Reserves have become extremely heavy during the wars in Iraq and Afghanistan.

However, the demands on first responders here at home do not decrease and local fire, police and ambulance services are forced to manage without key employees.

That is why I am introducing the Reinforce First Responders and Emergency Employees Deployed Overseas in the Military, or Reinforce FREEDOM Act today. My bill will reinforce local first responder agencies whose employees are fighting for our freedom overseas. It establishes a grant program through the Department of Homeland Security for first responder agencies that have employees deployed with the National Guard or Reserves.

The grants are available to law enforcement and fire departments, as well as public and private ambulance services. Agencies are eligible to receive up to $15,000 for each 3 month period they are without employees serving with the military. Primarily volunteer organizations are eligible if they are missing a substantial part of their workforce. The funds from these grants can be used to hire replacement employees or for overtime salary expenses. The funds can also be used for non-salary costs that were created by the employees' deployment with the Guard or Reserves, or which would alleviate the impact of their absence.

Extra funding perhaps cannot fully make up for the loss of crucial employees. But this bill will help ensure that first responder agencies can continue to keep the American people safe when their Guardsmen and Reservist employees are called to defend the United States of America.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I want to begin my remarks by commending the thousands of case workers, foster families, neighbors and friends across the country that work to provide safety, stability, and love for the more than half a million children in the Nation's foster care system. More than a third of foster children in Montana are Native American. Across America, most of the Native American children in foster care are under the jurisdiction of tribal courts. But Native American tribes that want to administer their own child welfare systems are not eligible for Title IV–E funds to run their own foster care and adoption programs.

Today I am proud to introduce with Senators DOMENICI, BINGAMAN, SMITH, STABENOW, MCCAIN, and CANTWELL the Tribal Foster Care and Adoption Act of 2007. This legislation is a demonstration of the commitment on both sides of the aisle to provide tribes with the opportunity to care for their own children. Children that need foster care and adoption services because of the abuse and neglect that they have already suffered. This bill provides tribes with the ability to serve their children directly with culturally appropriate care and understanding. The legislation also recognizes the good work of states and their collaborative efforts with tribes on behalf of tribal children.

This legislation has had a long history in the Senate and I am pleased to have been a part of that history since the 107th congress. It has been introduced in every Congress since then always with bipartisan support. This bill's time has come.

We have worked very hard to fine tune this legislation in away that is fair to states and finally gives Tribes direct access to the child welfare system. We want a system set up to protect those that need our protection the most not to exclude the most vulnerable members of our society from direct participation.

The child welfare system is languishing because of inadequate funding. And the system also suffers from a lack of culturally-appropriate approaches to help tribal children to find loving, permanent homes. I am further committed to working on behalf of our child welfare system with Chairman GRASSLEY and with Senator ROCKEFELLER who have always been dedicated to child welfare issues. The Tribal Foster Care and Adoption Act provides a pivotal opportunity to ensure that tribes across our country have the ability to access the child welfare system. I see this as a first step in making much needed improvements to the country's child welfare system, without significant costs or new federal programs.

We owe the first inhabitants of this great Nation and their children a child welfare system that works for them. We must do all we can to provide help.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my support for S. 1957, the Design Piracy Prohibition Act. As one who has been involved in national intellectual property, patent, copyright and trademark policy development for many years, I can tell you first-hand how difficult it can be to legislate in these areas. The Constitution expressly tasks Congress with the duty to protect the rights of property owners, including intellectual property owners. And we spend a good bit of time here legislating in the areas of music, art, movies, television, radio, books, and so many other things that exist solely because of intellectual property rights.

However, one area of our economy that has been overlooked and not benefited from the legal framework associated with intellectual property law is the area of fashion design. And yet fashion design is one area where America enjoys a trade surplus and has clear leaders in the world market. In fact, much of the world apparel and accessory industry takes follows the lead of our world renowned fashion experts. However, the protections of their designs are not taken as seriously as we take other forms of property rights, thereby, hurting a thriving American industry around the world.

In an effort to bring some balance to the property rights of designers, Senators SCHUMER, HUTCHISON, FEINSTEIN, WHITEHOUSE, GRAHAM, KOHL, CLINTON, SNOWE, and I are introducing this legislation. The goal of S. 1957 is to ensure that those who spend their time and money developing new and innovative fashion designs are able to secure and enforce adequate copyright protections for their hard work. And I support that goal.

As I stated earlier, this is a difficult area of law in which to legislate and the balancing of the rights of property owners and consumers is often difficult. In fact, the U.S. has been changing and refining intellectual property laws for over 200 years and in some areas we still have not gotten it right.

It must be recognized that this bill is not perfect and there are several legitimate concerns with the way this bill attempts to protect designs. I will be working with my colleagues to make improvements to this bill as it goes through the Senate process. Some areas of the bill that need to be improved are: the standard for liability, the definition of designs in the public domain, and the secondary liability provisions. However, I am certain we will be able to work through these issues and move this bill forward.

I want to thank my colleague, Senator SCHUMER, for introducing this bill. It takes a strong will, and a strong stomach, to take on the job of moving intellectual property-related legislation through Congress. I'm sure Senator SCHUMER is up to the task and I look forward to helping him.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

Foreign-based terrorism has weighed heavily in the news and in our thoughts for more than a decade. Since the first bombing of the World Trade Center in 1993, we have seen foreign-based terrorists attack our embassies in Tanzania and Kenya, a Navy destroyer in Yemen, the World Trade Center again, and the Pentagon. Timely arrests prevented foreign-based terrorists from carrying out a bombing plot directed at the Los Angeles airport and, more recently, attacks targeting U.S.-bound flights originating in England.

This long-standing and still-deadly threat requires continued surveillance and aggressive action, and will for years to come. But we cannot confine our counter-terrorism efforts to attacks organized in and launched from other countries. As demonstrated by the bloody bombing of the Oklahoma City Federal office building in 1995 and by this year's arrests of suspects in plots directed at JFK International Airport and Fort Dix, NJ, domestic radicalization and violent extremism are also threats to American lives and American society.

The most effective border security will not prevent ''home-grown'' terrorists from attacking our citizens. We need to better understand the triggers for radicalization and violence in order to counter the threat of terrorists on American soil.

For nearly a year now, Senator LIEBERMAN and I have conducted an investigation and held a series of hearings in the Senate Homeland Security Committee probing different aspects of this domestic danger by examining radicalization in prisons, radicalization trends, the Internet and violent extremism, lessons from the European experience, and the adequacy of government counter-measures.

The harvest of information and insights from these hearings has helped alert us to dangers, guide our oversight activities, and formulate ideas for legislative action. The testimony and evidence we have seen persuade me that we need to undertake an even more in-depth examination of the threats of domestic radicalization and violent extremism.

The Violent Radicalization and Homegrown Terrorism Prevention Act would provide such an examination. It is a companion measure to the bill introduced by Representatives JANE HARMAN of California and DAVE REICHERT of Washington in the House of Representatives. Congresswoman HARMAN has been extraordinarily perceptive in understanding the threat of violent radicalization, and her bill's unanimous approval by the House Homeland Security Committee is a tribute to her leadership.

My bill, like the House measure, includes two key initiatives.

First, it would create a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

Second, it would establish a university-based Center of Excellence for the Study of Radicalization and Homegrown Terrorism in the U.S.

The Commission would devote itself to a survey of what we know, and what we need to learn, about the social and psychological breeding grounds of extremism, the process of radicalization, the factors that cause people to turn to violence, the processes of recruitment and coordination, and the phenomenon of self-radicalization and ''lone wolf'' terrorism.

To ensure a broad range of input for the commission, members would be selected for their qualifications by the President, the majority and minority leaders of the House and Senate, and the chairman and ranking member of the Homeland Security Committees of the House and Senate.

The commission's final report, to be delivered within 18 months of its initial meeting, would provide a solid base of information and a guide for further research and action against the dangers that we face.

A ''final report,'' however useful, cannot be the last word in the fight against a threat that has been growing for years and may persist for decades. That is why the bill takes the important second step of establishing a university-based Center of Excellence focused on homegrown terrorism, violent radicalization, and ideologically based violence.

The Department of Homeland Security currently has 8 Centers for Excellence focusing on various aspects of homeland security, such as risk-analysis, food protection, and catastrophic-event preparedness and response.

My bill would empower the Secretary of Homeland Security to designate a new center or to expand the mission of an existing center. In either case, such a center will provide an institution dedicated to researching and understanding violent radicalization and homegrown terrorism, and to developing findings that can assist Federal, State, local, and tribal governments in dealing with these threats.

It is vital, that our homeland-security efforts extend to a systematic and comprehensive understanding of the radicalization process that turns people living in our midst to ideologically based violence and terrorism. It is also vital that we create an academically based center to sustain high-quality research efforts on this threat to augment federal initiatives and to expand and supplement Government thinking.

This bill, which closely parallels legislation now moving through the House of Representatives, meets those vital needs. I urge my colleagues to support the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today o join Senator KERRY in introducing the Surety Bond Improvement Act, a bill which would reinvigorate the Small Business Administration's Surety Bond Guarantee program. I appreciate Senator KERRY's leadership on small business issues and his bipartisan work with me on this bill. Together, our primary purpose is to improve the Surety Bond Guarantee SBG program and ensure that more small businesses are able to secure the surety bonds they require to compete and grow.

Many surety bond companies refuse to bond small businesses because of the greater risks associated with underwriting new, unproven firms. Countless new businesses lack the stable credit histories and assets necessary to obtain a surety bond. Without bonding, small firms cannot secure the contracts they need to survive. For many small businesses, their inability to obtain surety bonds creates a barrier to entry which prevents them from competing in defense contracting, construction, services, and other markets.

In order to reduce the risk to the surety firms issuing the bonds, the SBA promises to cover between 70 and 90 percent of any possible claims on bonds underwritten through the SBG program. Many small contractors are only able to obtain surety bonds through the SBG program and establish a bonding history. Over time, these businesses will out-grow the SBG program and will be able to obtain bonds in the regular, competitive marketplace.

It is critical to understand that the number of participating sureties in the

SBG program directly affects the number of small companies that can receive surety bonds. In fiscal year 2000, the SBG program had 28 participating surety bonding companies and issued 7,034 bonds to small businesses. As of fiscal year 2006, there were only 10 participating surety companies that issued 4,709 surety bonds. This downturn represents a 64 percent decline in the number of participating sureties and a decrease of 33 percent in the total number of bonds issued to small businesses. The sureties argue that SBA's outdated fee structure and other actions, such as unwinding bond guarantees and recent fee increases, make it impossible for them to earn a profit and continue participating in the program.

Our bill strives to address the reason behind the program's diminishing participation and increasing inability to help small businesses. To achieve that goal, our measure would 1. prohibit the SBA from underwriting a surety bond guarantee after the agency has already underwritten and approved the bond, 2. direct the SBA to promulgate regulations to allow surety companies to go to non-binding mediation with the SBA in order to resolve disputes over denied claims or other issues, 3. eliminate existing price controls, 4. require the SBA to be transparent in its fee structure, 5. clarify that Congress does not require the Surety Bond Guarantee program to be entirely self-funding or self-sufficient, and 6. raise the principal guarantee amount to $3 million.

We are collaborating with the SBA to reverse the downward trend regarding participating sureties and boost the number of small businesses receiving surety bonding. To accomplish this goal, the SBG program is working to reduce approval times by bolstering the capacity of companies to submit underwriting applications and claim requests online. The program also plans to restructure its field offices and conduct outreach to new sureties and small businesses needing surety bonding. These reforms, along with the necessary legislative changes Senator KERRY and I have proposed today, will help the program attract new sureties and increase the overall number of small companies able to secure sureties underwriting through the program.

I encourage my colleagues to strongly support the Surety Bond Improvement Act which we wrote after consulting with small business owners and surety bonding companies on how best to revitalize this pivotal program. Without these remedies, the number of sureties in the program will continue to fall as will the capability of small businesses to secure surety bonds. For new companies, obtaining a surety bond will become a onerous barrier to entry and competition that they will be unable to overcome. I urge my colleges to work with Senator KERRY and me to assist small businesses by passing this crucial legislation.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1963

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

SECTION 1. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—Clause (i) of section 149(b)(3)(A) of the Internal Revenue Code of 1986 (relating to exceptions for certain insurance programs) is amended—

(1) by striking ''or'' after ''Corporation,'', and

(2) by inserting at the end the following: ''or any Federal home loan bank,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will allow counties that are underpaid by at least 5 percent to be reclassified into a payment locality that reflects their own geographic costs.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Finally, this legislation is fully offset by requiring that independent diagnostic laboratories comply with state and federal regulations. This will allow the Centers for Medicare and Medicaid services, CMS, to take action against unscrupulous operators, predominately in California, that seek Medicare reimbursements for inaccurate and unnecessary diagnostic testing.

This legislation would benefit physicians who are currently underpaid in 10 States: California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, Texas, and Washington.

Congressman SAM FARR has introduced companion legislation, H.R. 2484, in the House of Representatives, which now has 12 cosponsors.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to ''payment localities'' that are supposed to accurately capture these costs.

Here is the problem: some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 5.5 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives a 10.2 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a rate that is at least 22 percent higher. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 4.6 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 8 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1964

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

SECTION 1. ESTABLISHMENT OF NEW SEPARATE MEDICARE PHYSICIAN FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE MEDICARE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) ESTABLISHMENT OF SEPARATE FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.—For purposes of computing and applying the geographic adjustment factor under subsection (b)(1)(C) and this subsection in the case of a State that includes more than one fee schedule area—

''(A) the Secretary shall establish as a separate fee schedule area each county or equivalent fee schedule area the geographic adjustment factor for which would (if such separate areas are established and before taking into account the adjustment under this subparagraph) be 5 percent or more above the geographic adjustment factor for such revised locality; and

''(B) for such a locality from which a separate fee schedule area is established under subparagraph (A), the geographic adjustment factor indices shall in no case be less than the geographic adjustment factor otherwise computed if this paragraph did not apply.

The Secretary shall first apply the previous sentence to services furnished during 2008 and shall again apply it each third year thereafter.''.

(b) OFFSETTING FUNDING THROUGH REQUIREMENT FOR ANNUAL CERTIFICATION OF COMPLIANCE WITH STATE LICENSURE REQUIREMENTS FOR INDEPENDENT DIAGNOSTIC TESTING FACILITIES (IDTF).—

(1) IN GENERAL.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) where such expenses are for a diagnostic laboratory test under section 1861(s)(3) performed in an independent diagnostic testing facility in a State or locality described in section 1861(s)(16) unless within the previous 12 months the State or locality (whichever is or are applicable) has certified that the facility is in compliance with all applicable State (or local) licensure requirements.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to tests performed on or after January 1, 2008.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, known as the Leadership Act, the largest international health initiative in history dedicated to a single disease.

Five years ago, there was little hope in Africa and the developing world of an effective response to HIV/AIDS. Tragically, many of the nations hardest hit by this disease are among those with the fewest resources to draw on for a response. There appeared to be little basis for hope.

Today, the pandemic continues. Yet there has been a change, and the American people have led that change.

The original Leadership Act authorized $15 billion in appropriations over 5 years. And in a significant departure from earlier approaches to development, it linked that funding to accountability for goals: support for treatment of 2 million people, prevention of 7 million new infections, care for 10 million people, including orphans and vulnerable children.

As many Senators will recall, when this legislation was first enacted in 2003, it was done with a certain amount of haste and after a request from the President for quick action. The G–8 summit was fast approaching, but even more importantly, rapid Senate action meant that the program could be established quickly, so that money could start to flow quickly to the fight. Given this, the Senate acted swiftly, passing the bill almost without amendment.

Now we are approaching the expiration of that 5-year authorization at the end of fiscal year 2008. Whatever our misgivings about the Leadership Act as we enacted it in 2003, at this point we need to judge it by the results it has enabled us to deliver. Those results are simply remarkable.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Yet through March of this year, the act has supported treatment for over 1.1 million men, women and children, over a million of them are in Africa, in those 15 countries where AIDS was on the verge of wiping out whole generations. In addition to these focus countries, we are working with one hundred other countries as well touching millions of other lives. Five years ago, HIV was a death sentence. Now there is hope.

During the first 3½ years of the act, U.S. bilateral programs have supported services for pregnant women to avoid transmission of HIV to their babies during more than 6 million pregnancies. In over 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral prophylaxis, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of the Leadership Act, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment and care all depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The U.S. has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Across the act's programs, the majority of services have been provided to women and girls, and a growing number of services are reaching children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate over 94 percent of its available $12.3 billion appropriated through this fiscal year.

In addition to support for the U.S. bilateral programs, the Leadership Act has also authorized support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Global Fund provides an important avenue for the rest of the world to substantially increase its commitment, as we have done. The U.S. is the largest supporter of the Global Fund, having provided some $2 billion so far. It is important for the American people to understand and for the rest of the world to remember, that the American people are responsible for approximately ⅓ of all the funding received by the fund.

As we survey the results achieved by this legislation, it is apparent that our efforts have been exceptionally successful. But to build on that success, we must reauthorize the legislation for another 5 years. As we consider how to accomplish that reauthorization task, it is important to note that the vast majority of the authorities needed for the next phase of our effort are already contained in the current Leadership Act.

The necessity for new authorities is in the eye of the beholder. Many Senators may wish to enhance issues such as TB/HIV, gender, nutrition, human capacity, infrastructure and health systems, and education. But the current law already articulates and authorizes activities in these very same areas, as evidenced by the many activities in these areas that the act has undertaken under existing authorities.

In this case, I believe we should follow the old adage, ''If it ain't broke, don't fix it.'' We have a good, if not perfect, law that is succeeding. In lieu of drafting an entirely new bill, today I introduce a reauthorization which preserves the bulk of the authorities that have enabled the program succeed and makes only minor modifications.

The U.S. Global AIDS Coordinator has interpreted the existing authorities well and has listened to the Congress and many stakeholders. As the Institute of Medicine recently said, the Global Leadership Act is a ''learning organization.'' The Coordinator is the first to admit, as he has before Congressional committees, that we can do better in every area of implementation. But new authorities are not needed; these are issues of implementation. In short, rather than absorbing the time of Congress, the coordinator, as well as stakeholders in drafting an entirely new bill, we should empower them to continue the work they are doing to improve upon program implementation utilizing the experience of these past 3½ years.

Let me highlight the basic changes I am suggesting to the existing legislation. First, it would increase to $30 billion the authorization for the next five fiscal years 2009–2013, a doubling of the initial commitment. I recognize that Senators may wish to revisit that funding level, and I trust that there will be opportunities for them to do so, in committee and on the floor.

Second, as the Institute of Medicine and others have argued, I believe we need to keep the bill as free of funding directives as possible in order to ensure maximum flexibility for implementation. I am proposing that only two funding directives be included, one modified from its current form, the other maintained as is.

The first modification would seek to address the abstinence directive in current law. The current Leadership Act requires that 33 percent of all prevention funding be spent on abstinence-until-marriage programs. The problem with this directive is that some countries need to focus their efforts not on abstinence per se but on, for example, mother-to-child transmission, an activity which is considered to be nonsexual transmission of HIV/AIDS. The original directive thus forced theses countries to either spend money in areas where they did not necessarily need to spend it or to divert funds from areas where they truly needed to.

The administration had interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of condoms. The directive has been helpful in ensuring an evidence-based, comprehensive approach to prevention. The ABC paradigm for prevention was developed in Africa by Africans, in order to address the wide range of risks faced by people within their nations, particularly in the context of generalized epidemics where HIV is widespread throughout the population. Recent evidence from a growing number of African countries shows a correlation between the adoption of all three of the ABC behaviors, and a clear association with declining HIV prevalence.

Before the creation of the U.S. Global Aids Coordinator, the U.S. Government had relatively little experience implementing behavior change programs for global HIV/AIDS that included the whole array of ABC behavior change. This was the rationale for the directive, and I believe it has served a useful purpose. However, I agree with many others that we can improve upon it as we look to the future.

The language I propose would provide that 50 percent of funding for prevention of sexual transmission of HIV, a sub-set all prevention funding, be dedicated to abstinence and faithfulness. This will enable greater flexibility to countries whose situation mirrors the one just described.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. I think this compromise approach is the right one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention.

There are a number of other directives in the current law that need no longer be maintained and the new bill does not contain them. The one other directive that I believe must be maintained is that 10 percent of funding be devoted to programs for orphans and vulnerable children, or ''OVCs''. As I have noted, there were few programs focused on the needs of these children before the Leadership Act of 2005 and we remain in the early stages of the essential effort to serve them. This is one of the aspects of our effort that is most strongly supported by the American people, the maintenance of this directive will help to ensure that this effort remains focused on those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, one cosponsored by eleven of my Senate colleagues, and which the Congress passed in October 2005.

Finally, let me describe some new language proposed for the inclusion regarding the Global Fund, an organization that enjoys wide support here in Congress. The Global Fund is a critically important partner of the U.S. in our fight against HIV/AIDS. Our contributions are not only financial, we are also active on its board, and our U.S. personnel overseas provide the technical assistance needed for the Global Fund's grants to work.

However, the fund is subject to pressures from many donors and in many directions. It has become clear that it would benefit from greater transparency and accountability. In keeping with my concerns with transparency and accountability of international organizations that receive U.S. funding, including the World Bank and International Monetary Fund, my proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I don't believe any of these proposed benchmarks will be controversial, but if Senators have concerns about any of them, I look forward to working with them to address them.

It is also worth noting that the bill would maintain the limitation in the existing Leadership Act that U.S. contributions to the fund may never exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, such as other governments, and I believe there is wide agreement that this provision should be maintained as we move forward.

In closing, let me turn to the issue of legislative timing. It is critical to the contents of my approach to reauthorization. It is critically important to reauthorize this bill during 2007, as opposed to awaiting its expiration September 2008.

The US Global Aids Coordinator depends on his implementing partners, including host governments and nongovernmental organizations, including faith- and community-based organizations, to scale up programs rapidly to reach as many people as possible. They have been a critical part of programs success to date.

But HIV and AIDS are different from many diseases: once HIV-positive persons are provided treatment or orphans enrolled in care programs, their treatment and care become ongoing commitments for program partners. Thus, for partners to continue to scale up programs in 2008, they need assurances of a continued U.S. commitment beyond 2008. These partners recognize that at this point, they have only a Presidential proposal, not actual reauthorization.

In fact, some of my staff on the Foreign Relations Committee have recently returned from countries receiving our assistance and verified this concern. Various ministries of health are refusing to expand the number of patients currently receiving antiretroviral medication for fear that they will not receive enough money in the years to come to purchase next year's doses for these new patients.

Without reauthorization in 2007, partners have indicated that they will be unable to scale up programs in 2008, and as my staff have confirmed, there is already evidence that some have begun to slow enrollment in programs. Without continued rapid scale-up this year and next, we may not achieve the ambitious goals for the first phase of PEFPAR, treatment for 2 million, prevention of 7 million new infections, care for 10 million, including orphans and vulnerable children. However, time will be needed to develop sustainable programs with commitments from our partner countries as we move into the next 5-year commitment from the American people.

Thus it is essential that we act before we go out of session this year. I recognize that we face a crowded calendar. But we can do it if we will take the most direct path to passage, a clean bill.

This body can be proud of its contribution to the remarkable turnaround on the issue of global HIV/AIDS, from concern to action. We have represented well the compassion and generosity of the American people and the demand for accountability by the American taxpayer. I call on my colleagues to join me in sponsoring this bill to reauthorize the Leadership Act in 2007, and to extend the authorities that have enabled the American people to make such a difference in the lives of others.

I have no pride of authorship. But we need to start the reauthorization process now. I welcome the involvement

and inputs of my colleagues. We should let the mark-up and amendment process work. Secondly, I would welcome the assistance of other Committees and their memberships. Thirdly, I look for strong support and guidance from the NGO and faith-based communities. These organizations will be key to the reauthorization effort. We will require the constructive engagement of the administration in this reauthorization effort.

If we pull together and display the spirit of compromise necessary for good legislation, we can complete the job in 2007.

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. 1966

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''HIV/AIDS Assistance Reauthorization Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) (in this Act referred to as the ''Act'') is amended by inserting after ''2008'' the following: '', $30,000,000,000 for fiscal years 2009 through 2013, and such sums as may be necessary for each fiscal year thereafter''.

SEC. 3. MODIFICATIONS TO ALLOCATION OF FUNDS.

(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Section 403(a) of the Act (22 U.S.C. 7673(a)) is amended to read as follows:

''(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Not less than 50 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 and available for programs and activities that include a priority emphasis on public health measures to prevent the sexual transmission of HIV shall be dedicated to abstinence and fidelity as components of a comprehensive approach including abstinence, fidelity, and the correct and consistent use of condoms, consistent with other provisions of law and the epidemiology of HIV infection in a given country. Programs and activities that implement or purchase new prevention technologies or modalities such as medical male circumcision, pre-exposure prophylaxis, or microbicides shall not be included in determining compliance with this subsection.''.

(b) EXTENSION OF ORPHANS AND VULNERABLE CHILDREN FUNDING REQUIREMENT.—Section 403(b) of the Act (22 U.S.C. 7673(b)) is amended by striking ''2008'' and inserting ''2013''.

SEC. 4. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 30, 2007, President George W. Bush announced his intent to double the commitment of the United States to fight global HIV/AIDS with a new $30,000,000,000, 5-year proposal to reauthorize the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

(2) With the enactment of the President's fiscal year 2008 budget, the United States Government will have committed $18,000,000,000 to the President's Emergency Plan for AIDS Relief (PEPFAR), which exceeds the original 5-year, $15,000,000,000 commitment.

(3) After 3 years of PEPFAR implementation, the American people have supported treatment of 1,100,000 people in the 15 focus countries, including more than 1,000,000 people in Africa.

(4) PEPFAR is on track to meet its 5-year goals to support treatment for 2,000,000 people, prevention of 7,000,000 new infections, and care for 10,000,000 people, including orphans and vulnerable children.

(5) The success of PEPFAR is rooted in support for country-owned strategies and programs with commitment of resources and dedication to results, achieved through the power of partnerships with governments, with nongovernmental, faith-based, and community-based organizations, and with the private sector.

(6) United States efforts to address global HIV/AIDS will be multiplied by engaging in partnerships with countries dedicating to fighting their HIV epidemics and with multilateral partners, such as the Global Fund, which can help leverage international resources and build upon the efforts of the United States to combat global HIV/AIDS. In his announcement of his intent to double the commitment of the United States to fight global HIV/AIDS, President Bush reiterated his call for developed and developing countries, in particular middle-income countries where projections suggest many new infections will occur, to increase their contributions to fighting AIDS. HIV/AIDS is a global crisis that requires a global response. The United States currently provides as many resources for global HIV/AIDS as all other developed country governments combined. But only together can we turn the tide against the global epidemic.

(b) PURPOSE.—It is the purpose of this Act to expand PEPFAR, including the expansion of life-saving treatment, comprehensive prevention programs, and care for those in need, including orphans and vulnerable children, in the next 5-year period as a signal of the commitment of the United States to support, strengthen, and expand United States and global efforts to address these health crises in partnership with others.

SEC. 5. UNITED STATES FINANCIAL PARTICIPATION IN THE GLOBAL FUND.

(a) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—Section 202(d) of the Act (22 U.S.C. 7622(d)) is amended by adding at the end the following new paragraph:

''(5) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—

''(A) FINDINGS.—Congress makes the following findings:

''(i) The Global Fund to Fight AIDS, Tuberculosis and Malaria is an innovative financing mechanism to combat the three diseases, and it has made progress in many areas.

''(ii) The United States Government is the largest supporter of the Fund, both in terms of resources and technical support.

''(iii) The United States made the founding contribution to the Funds, remains committed to the original vision for the Fund, and is fully committed to its success.

''(B) AUTHORITY.—The President may increase proportional support for the Fund, within the amount authorized to be appropriated by this Act, if benchmarks for performance, accountability, and transparency are satisfactorily met, and if the Fund remains committed to its founding principles. The United States Global AIDS Coordinator should consider the benchmarks set forth in subparagraphs (C) and (D) in assessing whether to make the annual contribution of the United States Government to the Fund.

''(C) BENCHMARKS RELATED TO TRANSPARENCY AND ACCOUNTABILITY.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to transparency and accountability:

''(i) As recommended by the Government Accountability Office, the Fund Secretariat has established standardized expectations for the performance of Local Fund Agents (LFAs), is undertaking a systematic assessment of the performance of LFAs, and is making available for public review, according to the Fund Board's policies and practices on disclosure of information, a regular collection and analysis of performance data of Fund grants, which shall cover both Principal Recipients and sub-recipients.

''(ii) A well-staffed, independent Office of the Inspector General reports directly to the Board and is responsible for regular, publicly published audits of both financial and programmatic and reporting aspects of the Fund, its grantees, and LFAs.

''(iii) The Fund Secretariat has established and is reporting publicly on standard indicators for all program areas.

''(iv) The Fund Secretariat has established a database that tracks all sub-recipients and the amounts of funds disbursed to each, as well as the distribution of resources, by grant and Principal Recipient, for prevention, care, treatment, the purchases of drugs and commodities, and other purposes.

''(v) The Fund Board has established a penalty to offset tariffs imposed by national governments on all goods and services provided by the Fund.

''(vi) The Fund Board has successfully terminated its Administrative Services Agreement with the World Health Organization and completed the Fund Secretariat's transition to a fully independent status under the Headquarters Agreement the Fund has established with the Government of Switzerland.

''(D) BENCHMARKS RELATED TO PRINCIPLES OF FUND.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to the founding principles of the Fund:

''(i) The Fund must maintain its status as a financing institution.

''(ii) The Fund must remain focused on programs directly related to HIV/AIDS, malaria, and tuberculosis.

''(iii) The Fund Board must maintain its Comprehensive Funding Policy, which requires confirmed pledges to cover the full amount of new grants before the Board approves them.

''(iv) The Fund must maintain and make progress on sustaining its multi-sectoral approach, through Country Coordinating Mechanisms (CCMs) and in the implementation of grants, as reflected in percent and resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations.''.

(b) EXTENSION OF AUTHORIZATION.—Section 202(d) of such Act is further amended by striking ''2008'' each place it appears and inserting ''2013''.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other

purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Alexander Hamilton Boyhood Home Act of 2007, a bill to study the suitability and feasibility of bringing resources related to Alexander Hamilton's boyhood on the island of St. Croix under the National Park System. I would like to thank Senators ROCKEFELLER, BAYH, BILL NELSON, BROWNBACK, HARKIN, and CRAPO for lending early support to this legislation as original cosponsors. I especially note the strong support of Senator ROCKEFELLER, who along with his family, has a special interest in this part of the U.S.

Too little is known about Hamilton's childhood on the islands. We know he was born as a British subject on the island of Nevis in 1755. By the age of 10 he and his brother James found themselves under Danish rule on the island of St. Croix. Alexander's father had abandoned them, so his mother Rachel Faucett was the primary care giver and bread winner. It is believed they initially spent their days on a sugar plantation at Estate Grange, which was owned by Rachel's sister, Ann, and her husband, James Lytton. The Lyttons generously supported Rachel and her two boys for a short time. When the plantation was sold, the Lyttons helped Rachel to set up a store with an apartment on the upper floor in the nearby town of Christiansted.

They had been there less than a year and Alexander, as an 11-year-old boy, had already taken a job as a clerk at the Beekman and Cruger trading post. This connection would serve him well after his mother died in 1769 and he was left to fend for himself. His early years with Beekman and Cruger not only supported him financially, but they introduced him to business, economics, and trade.

Hamilton learned a great deal from his surroundings on St. Croix, and his political ideologies as an adult were clearly influenced by his boyhood in the West Indies. His mother was known to have the largest library on the island, consisting of 34 classical books of various topics. Everyday life and culture must have left an impression on him, as well. He was constantly exposed to the brutality of slavery, which drove the plantation economy on St. Croix. His distaste for it as a boy would grow into political opposition to it in America. Historians also note that maturing in the West Indies made him unique among other American politicians of the day because he never had any loyalty to a specific State or region. He perceived the U.S. as one unified Nation with a strong central Government. To advocate that belief, Hamilton would later found the Federalist Party in America.

Through his work, Alexander made several connections with influential people in the town. As he grew older, they began to recognize his talent and intellect and they decided to send him to New York with the funds to obtain an education. He left St. Croix at age 17, never to return, and the rest is now a central aspect of our Nation's history.

Hamilton went on to be one of the great statesmen of our history, a Founding Father who was influential in all of the stages of our blossoming Nation. He fought with the colonies during the American Revolution and served as General Washington's personal secretary. After the Revolution he was elected to the Continental Congress. He authored the Federalist Papers to advocate ratification of the Constitution, which he would pen his own name to as a delegate from New York. Of course, he may be remembered most for his appointment as the first Secretary of the Treasury under President George Washington. His visage is perpetuated in history on the $10 bill as one of only two non-presidential faces appearing on U.S. currency.

Alexander Hamilton's immeasurable influence on the progress of our Nation deserves to be remembered and recognized. The remaining links to his boyhood on the island of St. Croix should be preserved and recognized for the benefit of the people. The Great House at Estate Grange is still there today along with a memorial marking the site where Alexander's mother was laid to rest. I urge my colleagues to support this legislation which would establish and fund a study to determine the feasability and suitability of a heritage area on St. Croix in honor of one of our Founding Fathers, Alexander Hamilton.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, 14 years ago, the Family and Medical Leave Act, FMLA, declared the principle that workers should never be forced to choose between the jobs they need and the families they love. In the years since its passage, more than 50 million Americans have taken advantage of its provisions to care for a sick love one, or recover from illness themselves, or welcome a new baby into the family. If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries, but most of all, they deserve the care of their closest loved ones.

That is exactly what is offered in the Support for Injured Servicemembers Act, a bill I am proud to have authored along with Senator CLINTON. The FMLA was the very first bill that President Clinton signed into law, and I am grateful that his wife, Senator CLINTON, continues to support the principles that I have been fighting for over 20 years. Now, I am also pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this new legislation today.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort as well, through their thoughtfulness and work on the President's Commission on Care for America's Returning Wounded Warriors.

It is unsurprising that the commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring: according to the commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help in their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. To quote from the commission's moving report:

> In virtually every case [of a wounded servicemember], a wife, husband, parent, brother, or sister has received the heart-stopping telephone call telling them that their loved one is sick or injured, halfway around the world.

These loved ones bear a burden almost as sharp as the wound itself. The very least we can give them is the assurance that their jobs will be there when they return.

It is for these reasons that the commission recommend that the FMLA be expanded to provide family members of combat-injured servicemembers up to 6 months of leave to care for their loved ones.

The Support for Injured Servicemembers Act does just that. FMLA currently allows 3 months of unpaid leave. Given the severity of their injuries, and our debt of gratitude, our servicemembers need more.

For the first time, this bill offers FMLA leave not just to parents, spouses, and children, but to next-of-kin, including siblings. Families, not the government, should decide for themselves who takes on the work of caring for their injured loved ones. This bill recognizes that fact, and it is a major accomplishment.

Our troops are laying their bodies on the line for us in Iraq and Afghanistan, every day. Our full debt to them is unpayable. But perhaps the best thing we can do for them is to get out of the way, to make it possible for the love of family to heal their wounds. With their jobs protected, more family members will be able to do just that. What this

bill does, then, is break down a barrier, between our troops and the care they need the most.

I urge my colleagues to support this bill.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise today with Senators LEAHY and BAUCUS to introduce the Organic Conversion Assistance Act to help provide needed technical and conservation assistance to farmers and ranchers converting to organic agriculture. I wanted to thank Senator LEAHY for his leadership on organic agricultural issues and Senator BAUCUS for his long-time support for Montana's farmers and ranchers.

My wife and I have spent our careers farming organically on our farm near Big Sandy, MT. Nearly 20 years ago we were struggling to get ahead and trying to decide if we could really make it farming while so many of our neighbors were packing up and moving away. We knew at that time that if we didn't make some changes to our business we would end up like so many of our neighbors leaving rural Montana for jobs in town.

In 1988, we took what was then a risk and converted our farm to organic production. Our motivations were mostly economic but partly for health reasons. We wanted to farm on our own terms and to make more money. When I farmed conventionally I felt beholden to one big company after another from buying fertilizers, herbicides, pesticides, fuel, to selling my grain to a corporation and shipping it by rail at high prices and we rarely came out ahead. Every season after I would spray for weeds and bugs, I would feel sick for a week afterwards.

Organic agriculture let us take control of our farm and our livelihood. More and more farmers are converting to organics as consumer demand soars. Organics is now the fastest growing sector of the food industry expanding at a rate of over 20 percent a year. In Montana, we lead the Nation in organic wheat production and are a close second in the production of organic barley, peas and lentils. Consumer demand for organic products is growing so fast that we are now importing a significant portion of the organic food that is found in our grocery stores.

In the U.S. we grow the highest quality and safest food in the world. I believe that increased production of domestically produced organic foods will help meet consumer demand, help keep farmers on the land, and because organic agriculture needs fewer inputs it helps conserve our land, and clean up our air and water. But if the U.S. is going to keep pace with imported organic products we need to get more acreage under organic production here at home.

The legislation I am introducing today will provide conversion assistance to farmers making the transition from conventional to organic agriculture. Currently it takes 3 to 4 years to become certified organic, but during that period of time producers cannot receive the higher price that organics fetch in the market place. Furthermore, the shift towards a new way of farming and ranching creates technical challenges for many producers as they change the way they do things. Offering technical and educational assistance as well as cost-share funds for conservation initiatives under a certified organic plan will provide a needed helping hand to farmers. Making the conversion will help keep farmers on the land by putting a bit more money in their pockets and help our rural communities be viable. Many States have already adopted similar assistance programs and agricultural producers nationwide would benefit from having a consistent and available program in years to come.

I would appreciate the support of my colleagues as this legislation moves forward.

By Mr. OBAMA (for himself and Mr. HAGEL):

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, the spread of nuclear weapons and related technology and the possibility that a nuclear weapon could fall into the hands of terrorists constitute the most urgent threat to our national security. As experts on this issue such as Henry Kissinger, George Shultz, Bill Perry, and Sam Nunn have all warned, our current policies to deal with the threat posed by nuclear weapons are simply not adequate.

We know al-Qaida has made it a goal to acquire a nuclear weapon. At the same time, significant quantities of the material necessary to make one remain vulnerable to theft in various parts of the world. And, to make matters worse, the world may be on the brink of a new and dangerous era with a growing number of nuclear-armed states, as illustrated by North Korea's nuclear test last year and Iran's refusal to halt its uranium enrichment program.

So today, along with Senator HAGEL, I am introducing the Nuclear Weapons Threat Reduction Act, which provides for sustained U.S. leadership in a global effort to prevent nuclear terrorism, reduce global nuclear arsenals, and stop the spread of nuclear weapons around the world.

Securing nuclear weapons and weapons-usable material at their source is the most direct and reliable way to prevent nuclear terrorism. Thanks to the leadership of Senators NUNN and LUGAR in creating the Cooperative Threat Reduction program at the Department of Defense, there is no question that we have made significant progress in securing nuclear stockpiles. But there are still significant quantities of weapons-usable nuclear material that remain vulnerable to theft. In the civilian sector alone, there are an estimated 60 tons of highly enriched uranium, enough to make over 1,000 nuclear bombs, spread out at facilities in over 40 countries around the world. Many of these facilities do not have adequate physical security, leaving the material vulnerable to theft.

The insecure storage of nuclear stockpiles has already led to an alarming number of attempted exchanges of small quantities of dangerous nuclear materials. The International Atomic Energy Agency, IAEA, confirmed 16 incidents between 1993 and 2005 that involved trafficking in relatively small amounts of highly enriched uranium and plutonium. That is 16 incidents too many, in my opinion, and 16 incidents that should not have been allowed to happen.

Experts believe that a sophisticated terrorist group could potentially construct a crude nuclear bomb if it obtained the necessary amount of plutonium or highly enriched uranium. The 9/11 Commission concluded that a trained nuclear engineer with an amount of highly enriched uranium or plutonium about the size of a grapefruit or an orange could make a nuclear device that would level Lower Manhattan. Simply put, our ability to secure nuclear stockpiles around the world is what stands between the safety of the American people and a terrorism incident of almost unimaginable horror.

It is imperative that we build and lead a truly global effort to secure all stockpiles of nuclear weapons and weapons-usable material to the highest standards to prevent them from falling into the wrong hands. It is also essential that we make preventing nuclear terrorism a top presidential priority—with the resources, diplomatic effort and funding to match the threat. We need to work with other countries to ensure effective and sustainable security of nuclear stockpiles and to ensure that the highest priority is placed on security of those weapons and materials that pose the greatest risk.

The Nuclear Weapons Threat Reduction Act requires the President to submit to Congress a comprehensive threat reduction plan for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012. The plan must clearly designate agency responsibility and accountability, specify program goals and metrics for measuring progress, and outline estimated schedules and budget requirements.

To meet this ambitious goal, the bill calls for accelerating U.S. programs to secure, consolidate, and reduce stocks of nuclear weapons and weapons-usable material, including highly enriched uranium at civilian nuclear facilities worldwide. Additional funding is authorized for the Department of Energy's Global Threat Reduction Initiative, an important program that secures and removes high-risk nuclear materials from vulnerable locations around the world.

The bill calls for the United States to work cooperatively with other countries and the International Atomic Energy Agency, IAEA, to develop and implement a comprehensive set of standards and best practices to provide effective physical protection and accounting for all stockpiles of nuclear weapons and weapons-usable material.

The bill also authorizes additional funding to improve our ability to trace the origin of nuclear material that might be transferred or used in a terrorist attack so that responsible parties can be held accountable.

Given the nature of the threat we face from nuclear terrorism, we can't succeed if we act alone. Indeed, the danger of nuclear proliferation and nuclear terrorism reminds us of how critical global cooperation will be to U.S. security in the 21st century. America must lead in rebuilding the alliances and partnerships necessary to meet common challenges and confront common threats. And this legislation seeks to provide the tools to do just that.

While nuclear terrorism remains a dire threat to our security, it is only one part of the overall threat posed by nuclear weapons. The Nuclear Weapons Threat Reduction Act also addresses the need to reduce global arsenals and prevent the emergence of additional nuclear-armed nations. In all too many respects, the essential bargain that stands at the core of the nuclear nonproliferation regime is unraveling. Countries like North Korea and Iran are demonstrating that nuclear technology acquired for ostensibly civilian purposes can provide the basis for producing nuclear weapons. At the same time, established nuclear powers retain large arsenals and are reemphasizing the importance of nuclear weapons to their security.

At the end of the Cold War, many had hoped and believed that the world was moving in the right direction to reduce the threat of nuclear weapons. America and Russia agreed to significant reductions in their massive nuclear arsenals. Belarus, Kazakhstan, and Ukraine were persuaded to give up their post-Soviet nuclear arsenals. The U.S.-Russian Cooperative Threat Reduction or Nunn-Lugar program was established. In 1994, North Korea agreed to halt its plutonium production program. And in 1995, over 180 nations agreed to take further steps to strengthen the Nuclear Nonproliferation Treaty, NPT, and agreed to extend the treaty indefinitely.

In the last 6 years, however, these positive trends have stalled—and in some cases regressed. While promising to leave the Cold War behind, President Bush abandoned the very policies his successors had pursued to bring the Cold War weapons competition to a peaceful and successful end. He unilaterally withdrew the U.S. from the Anti-Ballistic Missile Treaty. He refused to support ratification of the 1996 Comprehensive Nuclear Test Ban Treaty. He opted for an arms reduction agreement with Russia in 2002 that does not include new verification provisions, does not require the dismantling of warheads or missiles, and allows each side to stockpile thousands of nondeployed weapons. And after ignoring the findings of U.N. weapons inspectors on the ground and launching a preemptive war against Iraq, President Bush lost much of the international goodwill that is required to mobilize global support to strengthen the beleaguered nuclear nonproliferation regime.

The Nuclear Weapons Threat Reduction Act calls for a balanced and comprehensive set of initiatives that would strengthen the global nonproliferation regime. The bill authorizes $50 million to support the creation of a low enriched uranium reserve administered by the IAEA that would help guarantee the availability of fuel for commercial nuclear reactors. This international fuel bank can play an important role in dissuading countries from building their own uranium enrichment facilities. Additional funding is also authorized for the IAEA's Department of Safeguards to improve its ability to conduct effective inspections.

To win the struggle against nuclear proliferation, we must also have the courage to lead by example. The bill calls for talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in Russian and U.S stockpiles in a transparent and verifiable fashion, and in a manner consistent with the security of the United States. It also calls for considering changes in the alert status of U.S. and Russian forces to reduce the risk of an accidental, unauthorized, or mistaken launch of nuclear weapons.

Other initiatives called for in the bill include reaffirming support for and strengthening the Nuclear Non-Proliferation Treaty, taking steps to reconsider and ratify a global ban on nuclear testing, pursuing a long-overdue global agreement to verifiably halt the production of fissile material for weapons, and fully implementing the Lugar-Obama initiative that strengthens the ability of friendly foreign countries to stop the transfer of weapons of mass destruction and related material.

With a bold, comprehensive approach and strong U.S. leadership, we can—and must—make significant strides in reducing the threat posed by nuclear weapons. America must lead the way again by marshalling a global effort to meet the challenge that rises above all others in urgency securing, destroying, and stopping the spread of weapons of mass destruction. This bill, I believe, makes a significant contribution toward that goal, and I urge my colleagues to support this legislation.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Co-Teaching Educator Professional Development Act of 2007 to help improve the education of children with disabilities.

A result of the enactment of the No Child Left Behind Act, NCLB, and the 2004 reauthorization of the Individuals with Disabilities Education Act, IDEA, is that States, districts, and schools in Rhode Island and nationwide have increasingly begun utilizing a ''co-teaching'' model to make sure that students with disabilities have the highest quality teachers. Co-teaching is a term that describes a general education teacher and a special education teacher jointly teaching students with and without disabilities in the same classroom. Co-teaching ensures that students with disabilities receive not only the special instruction, supports, and services they are entitled to under IDEA, but also are taught the same rigorous academic content as any other students.

However, achieving this is no easy task. Successful co-teaching requires that educators truly work together so their knowledge and skills truly complement one another. At the end of the day that requires that specialized professional development is provided to these teachers.

As such, the Co-Teaching Educator Professional Development Act of 2007 would amend Title II of the No Child Left Behind Act to award competitive grants to school districts to provide high-quality professional development opportunities for general education teachers, special education teachers, principals, and administrators to ensure that these educators have the necessary pedagogical, collaborative, planning, and interpersonal skills to successfully implement a co-teaching model and increase the achievement of students with disabilities. Such professional development training would help teachers, principals, and administrators address diverse learning and student needs; clearly define classroom, teaching, and decision-making responsibilities; develop effective communication, problem-solving, classroom management, and conflict resolution skills; and jointly develop and plan a student's IEP and overall classroom curriculum.

In short, this bill provides teachers, principals, and administrators with the skills and tools to help ensure that children with disabilities receive the

educational assistance and support they need and deserve. I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

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. 1978

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 ''Co-Teaching Educator Professional Development Act of 2007''.

SEC. 2. CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.

Section 2151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651 et seq.) is amended by adding at the end the following:

''(g) CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.—

''(1) PURPOSES.—The purposes of this subsection are to ensure that—

''(A) students with disabilities are educated with their peers in the least restrictive environment;

''(B) students with disabilities have access, with appropriate supports and services, to the same academic content as other students;

''(C) the requirements of section 1119(a) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act are met; and

''(D) general education teachers, special education teachers, principals, and administrators who implement a co-teaching model for instructing students with disabilities are provided with the necessary and effective professional development and support to enhance their pedagogical, collaborative, planning, and interpersonal skills and increase the achievement of such students.

''(2) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) one or more local educational agencies; or

''(ii) one or more local educational agencies in collaboration with an institution of higher education, a teacher organization, or a State educational agency.

''(B) CO-TEACHING.—The term 'co-teaching' means an instructional delivery option, offered either full-time or part-time, based on a collaborative professional relationship between a teacher with expertise in delivering instruction to students with disabilities and a teacher with expertise in a specific core content area or a team of such teachers, such as a grade level team or a middle school team, for the purpose of jointly delivering substantive instruction to a diverse, blended group of students in a single general education classroom and ensuring that students with disabilities receive the special instruction, supports, and services to which they are entitled while ensuring that they can access a rigorous general curriculum in the least restrictive environment.

''(3) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Secretary shall award, on a competitive basis, grants to eligible entities to enable such entities to provide professional development opportunities and high-quality support for general education teachers and special education teachers, principals, and administrators that implement a co-teaching model. Such professional development opportunities and support shall assist teachers, principals, and administrators in—

''(i) clearly defining classroom, teaching, and decision-making roles and responsibilities, shared instructional and educational goals and expectations, and shared accountability for student outcomes;

''(ii) utilizing research-based co-teaching strategies and approaches for differentiated instruction, including accommodations, modifications, and positive behavioral supports to facilitate learning and address diverse learning and student needs;

''(iii) improving the participation and engagement of all students in classes that use co-teaching while meeting the individualized needs of students with disabilities;

''(iv) improving collaboration skills for fostering a constructive professional co-teaching partnership, including development of effective communication, problem-solving, and conflict resolution skills;

''(v) enhancing time, resource, and classroom management skills;

''(vi) effectively scheduling and lesson planning for co-teaching instruction, including common planning time for such purpose;

''(vii) effectively involving parents and families of students with disabilities in co-teaching program development, implementation, and evaluation;

''(viii) jointly developing and planning a student's IEP and overall classroom curriculum for co-teaching instruction;

''(ix) implementing strategies in a class that uses co-teaching for improving student learning gains on required State assessments, including alternate assessments;

''(x) providing constructive feedback and coaching on a regular basis to improve instructional and classroom practices; and

''(xi) developing clear and tailored instructional strategies, plans, procedures, practices, and assessment tools for remediation or developmental specialized instruction designed to meet, in a class that uses co-teaching, the goals and objectives in a student's IEP.

''(4) APPLICATION.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) EVALUATION.—Each program receiving a grant under this subsection shall report on the effectiveness of the professional development being provided based on not less than the following criteria:

''(A) Student academic learning gains.

''(B) Teacher retention.

''(C) Meeting IEP goals and objectives.

''(D) The increase in the amount of time spent by students with disabilities on general education curriculum in a general education setting.

''(E) Student behavior.

''(F) Evaluation of school professionals.

''(G) Parent, family, and community involvement.

''(H) The support and commitment of principals and administrators.

''(I) Teacher satisfaction.''.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the School Improvement through Teacher Quality Act of 2007, to foster the development of a highly skilled and effective teacher workforce capable of improving student achievement in this country.

We are slated to reauthorize the Elementary and Secondary Education Act this Congress for the first time since 2001. The key to this reauthorization will be ensuring that states, districts, and schools are given the resources, tools, and support to improve student learning, including targeted, high-quality efforts to improve a school when it is identified as in need of improvement under the law.

Improving teacher quality is the single most effective step we can take to increase student achievement and turnaround failing schools. Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality. Unfortunately, new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

However, research has shown that offering new teachers comprehensive, multi-year mentoring and guidance cuts attrition rates in half, and helps these teachers become high-quality professionals who improve student achievement. At the same time, we know that experienced teachers also need effective, sustained professional development to maintain and improve their teaching skills.

For these reasons, I am introducing the School Improvement through Teacher Quality Act of 2007, cosponsored by Senators MURRAY, OBAMA, and BROWN. This legislation amends Title II of the No Child Left Behind Act to create a new $500 million formula-based program for school districts to provide targeted assistance so teachers in low-performing, high-poverty schools get comprehensive, high-quality multi-year guidance and mentoring for new teachers and systematic, sustained professional development for experienced teachers.

First, this legislation would direct funding to districts with failing schools to help implement a high-quality induction program for teachers throughout at least their first two years of full-time teaching. This intensive support for beginning teachers would incorporate proven strategies such as: rigorous mentor selection; ongoing mentoring with school-protected release time; research-based professional development for mentors and school leaders; and research-based teaching practices, formative assessments, and teacher portfolios. Research has demonstrated that such mentoring for beginning teachers at institutions like the New Teacher Center at University of California, Santa Cruz provides a return on investment, $1.66 for every $1

spent; increases the new teacher retention rate, to 88 percent after 6 years in some California districts; and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

Second, the School Improvement through Teacher Quality Act of 2007 would offer funding for struggling schools to provide their veteran teachers with ongoing professional development and training, including helping such schools develop and implement rigorous curricula aligned to State standards and student needs; design and evaluate assessments; implement strategies to improve student achievement and teacher effectiveness; train teachers, principals, and administrators in effective coaching strategies, analyzing school and student data, and strategies for teaching students with disabilities and English Language Learners; and utilize teacher leaders, coaches, or content experts to support learning and model effective collaboration skills.

This assistance would be tied to a modified definition of professional development based on successful nationwide models such as the National Staff Development Council, with an increased focus on collaboration among teachers, including engaging established teams of teachers to plan and develop instruction across grade level and content area and to evaluate and analyze data on student achievement and learning goals. This professional development would occur multiple times per week during the regular work day, and be supported by school principals through school-based coaches, mentors, or lead teachers who allocate time, resources, and structured facilitation to the learning teams or cohorts.

Lastly, this legislation requires that an external evaluation be conducted of the mentoring and professional development programs authorized and supported under this act. Outcomes would be based on measures such as teacher retention, student learning gains, teacher instructional practice, and parent, family, and community involvement.

We must act on this bill and continue to push for increased Federal investment in improving schools through enhanced teacher quality and professional development. The stakes are too high, not just in terms of meeting the current highly qualified requirements of the No Child Left Behind Act, but to take the next step and ensure that each and every classroom in America is taught by an effective teacher. Teachers are the key to student success and student success will in turn keep our country competitive in today's global economy.

I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

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. 1979

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

SECTION 1. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important factor influencing student learning and achievement.

(2) Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality.

(3) New teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, ⅓ leave within their first 3 years, and 14 percent leave by the end of their first year.

(4) The rate of attrition is roughly 50 percent higher in poor schools than in wealthier ones.

(5) A report by the Alliance for Excellent Education estimated that the cost of replacing public school teachers who have dropped out of the profession is $2,600,000,000 per year.

(6) Comprehensive induction cuts attrition rates in half, and helps to develop novice teachers into high-quality professionals who improve student achievement.

(7) Research has demonstrated that comprehensive, multi-year induction—such as that provided by the New Teacher Center at University of California, Santa Cruz—provides a return on investment ($1.66 for every $1 spent); increases the new teacher retention rate (to 88 percent after 6 years in some California districts); and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

(b) PURPOSES.—The purposes of this Act are to build capacity and grow effective teachers and principals in our Nation's schools through—

(1) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers; and

(2) systematic, sustained, coherent team-based, job-embedded professional development for experienced teachers.

SEC. 3. SCHOOL IMPROVEMENT.

Section 1003(g)(5) (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2501.''.

SEC. 4. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING

''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—The Secretary shall award grants to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATION.—A State that receives a grant under this part shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies; and

''(B) use the remainder of the funds for administrative activities in carrying out this part.

''(b) FIRST AWARD.—In awarding subgrants under this part, a State shall first award grants to local educational agencies—

''(1) that serve the lowest achieving schools;

''(2) that demonstrate the greatest need for subgrant funds; and

''(3) in which children counted under section 1124(c) constitute not less than 20 percent of the total population of children aged 5 to 17 served by the agency.

''(c) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist schools identified under section 1116(b) in implementing induction programs pursuant to subsection (d)(1);

''(B) a description of how the local educational agency will assist, pursuant to subsection (d)(2)(A), schools identified under section 1116(b) in implementing high-impact professional development;

''(C) a description of how the local education agency will select mentors pursuant to the requirements of subsection (d)(1)(A);

''(D) a description of how the local educational agency will assist schools identified under section 1116(b) in providing high-quality mentoring and mentor-teacher interactions pursuant to subsection (d)(1)(B);

''(E) a description of how the local educational agency will ensure schools identified under section 1116(b) provide protected release time for high-quality mentoring that occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(F) a description of how the local educational agency will assist schools identified under section 1116(b) in providing ongoing, evidence-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(G) a description of how the local educational agency will assist schools identified under section 1116(b) in using evidence-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols during the induction process pursuant to subsection (d)(1)(E);

''(H) a description of how the local educational agency will evaluate the effectiveness of the programs and assistance provided under paragraphs (1) and (2) of subsection (d) and pursuant to subsection (e);

''(I) a description of how the local educational agency will train teachers, principals, and administrators pursuant to subsection (d)(2)(B);

''(J) a description of how the local educational agency will utilize internal teacher leaders, coaches, or content experts pursuant to subsection (d)(2)(C);

''(K) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1)

and the high-impact professional development required under subsection (d)(2) are integrated and aligned;

''(L) where applicable, a description of procedures that the local educational agency will use to ensure flexibility for agency and school leaders to facilitate placement of graduates of teaching residency programs in cohorts that facilitate professional collaboration among graduates of the teaching residency program, as well as between such graduates and mentor teachers in the receiving school;

''(M) a description of how the local education agency will target funds to schools identified under section 1116(b) and within its jurisdiction—

''(i) that serve the lowest achieving schools;

''(ii) that demonstrate the greatest need for subgrant funds; and

''(iii) in which not less than 40 percent of the students served by the school receive or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(N) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(O) a description of how the local educational agency will include experienced administrators and educators, including teacher organizations, in the design and ongoing development, implementation, and evaluation of the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2).

''(3) JOINT DEVELOPMENT AND SUBMISSION.—To the extent practicable, a local educational agency shall jointly develop and submit such application with local teacher organizations.

''(d) USE OF FUNDS.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a comprehensive system of induction and professional development that is developed, implemented, and evaluated in collaboration with local teacher organizations and that addresses the needs of beginning and experienced teachers by providing assistance, which may be provided through the formation of induction and professional development support teams, to each school identified by such agency pursuant to subsection (c)(2)(M) to—

''(1) implement a comprehensive, coherent, high-quality induction program for teachers in not less than their first 2 years of full-time teaching that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, and which shall include requirements that the mentor demonstrate—

''(i) mastery of pedagogical and subject matter skills;

''(ii) strong interpersonal skills;

''(iii) exemplary classroom teacher skills;

''(iv) expertise in designing and implementing standards-based instruction;

''(v) exemplary knowledge about content, materials, and methods that support high standards in various curriculum areas;

''(vi) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vii) experience in relating to adult learners;

''(viii) a record of engaging in cooperative and collaborative projects with staff, adults, and administration;

''(ix) skill in collaboration and group dynamics;

''(x) knowledge of staff development practices and in-service education;

''(xi) excellent oral and written communication skills;

''(xii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

''(xiii) a willingness to engage in formative assessment processes, including non-evaluative, reflective conversations with beginning teachers using evidence of classroom practice and student learning;

''(B) high-quality, intensive, ongoing mentoring and mentor-teacher interactions that—

''(i) establish and maintain a trustful, confidential, non-evaluative relationship with beginning teachers;

''(ii) matches mentors, to the extent applicable and practicable, with beginning teachers by grade level and content area;

''(iii) assist teachers in reflecting on and analyzing their practice and reviewing student work to inform instruction and enhance student achievement;

''(iv) provide opportunities for observation of exemplary practice, model lessons, and conferences with beginning teachers on-site, during, and after school hours;

''(v) model, as appropriate, innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

''(vi) act as a vehicle for beginning teachers to establish short- and long-term planning goals, and identify instructional resources and support throughout the entire school community; and

''(vii) provide a ratio of not more than 12 teachers per mentor;

''(C) school protected release time for high-quality mentoring and mentor-teacher interactions that occurs not less than 1.5 hours per week;

''(D) ongoing, research-based professional development for mentors, principals, and administrators that—

''(i) supports mentors in responding to each new teacher's developmental and contextual needs and promotes the ongoing examination of classroom practice;

''(ii) assists mentors in the collection and sharing of observation data with professional teaching standards to help new teachers improve their practice;

''(iii) provides mentors with strategies for helping beginning teachers identify student needs, plan for differentiated instruction, and ensure equitable learning outcomes;

''(iv) supports the mentor in coaching strategically and finding solutions to challenging situations;

''(v) helps mentors bring teachers together for meaningful and responsive learning experiences;

''(vi) demonstrates models that create a collaborative learning environment in which mentors can develop skills, gain knowledge, and problem-solve issues of mentoring; and

''(vii) as applicable, supports principals and administrators in identifying beginning teacher developmental needs, selecting high-quality mentors, determining effective strategies to conduct teacher observations, and providing feedback in ways that support new teacher instructional growth; and

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes, such as the National Board for Professional Teaching Standards certification process, and teacher development protocols that—

''(i) guide beginning teachers in developing and reflecting on student learning and their teaching and classroom practice, including structured self-assessment and examining and analyzing student work;

''(ii) prepare beginning teachers to examine, analyze, and reflect on—

''(I) student learning needs, including tailoring instruction to individual and special learning needs;

''(II) student and classroom academic progress, including effective methods for monitoring and managing such progress;

''(III) achieving the goals of the school, district, and statewide curriculum;

''(IV) effective methods for classroom management;

''(V) representations of student work and curriculum-based diagnostic and performance assessments;

''(VI) instructional methods, the effectiveness of such methods, and ways to improve upon instructional techniques for future lessons;

''(VII) the effectiveness, and ways to improve, lesson planning; and

''(VIII) interaction with students, parents, and administrators, and ways to improve such interactions in order to enhance student learning;

''(iii) formulate professional goals to improve teaching practice, which may include developing an individualized induction plan;

''(iv) guide, monitor, and assess the progress of a teacher's practice toward such professional goals;

''(v) assist teachers in connecting students' prior knowledge, life experience, and interests with learning goals;

''(vi) promote self-directed, reflective learning for all students;

''(vii) engage students in problem solving, critical thinking, and other activities within and across subject matter areas and in ways that encourage students to apply them in real-life contexts that make the subject matter meaningful;

''(viii) use a variety of instructional strategies and resources to respond to students' diverse needs;

''(ix) facilitate learning experiences that promote autonomy, interaction, and choice so students are able to demonstrate, articulate, and evaluate what they learn;

''(x) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(xi) employ strategies grounded in the disciplines of teaching and learning on—

''(I) effectively managing a classroom; and

''(II) communicating and working with parents and guardians, and involving parents and guardians in their children's education;

''(xii) involve an ongoing process of data collection and data analysis to inform teaching practice; and

''(xiii) is used to guide professional development, and not for the purpose of teacher evaluation or employment decisions; and

''(2) implement high-impact, professional development that is ongoing and sustained by—

''(A) assisting the school to—

''(i) develop and implement strong curriculum plans aligned to State standards and student needs;

''(ii) clarify school improvement goals;

''(iii) select and implement strategies and interventions to improve student achievement and teacher effectiveness;

''(iv) design, create, and evaluate the results of curriculum-based diagnostic and performance assessments;

''(v) develop and implement professional development plans aligned with student achievement needs and priority learning goals;

''(vi) allocate teacher and principal professional development resources and help develop the revised plan as related to the professional development required under section 1116(b); and

''(vii) make available opportunities for individual and team learning activities that focus on increasing pedagogical and content knowledge in academic subjects that are aligned to student learning goals;

''(B) training teachers, principals, and administrators in—

''(i) analyzing school, teacher, and student data and developing instructional supports to respond to such data;

''(ii) effective coaching strategies;

''(iii) effective strategies for improving and identifying the learning needs of students with disabilities and English language learners;

''(iv) managing the change process, implementing high-impact professional development, and leadership and interpersonal skills, including conflict management and consensus building;

''(v) effectively communicating with, working with, and involving parents in their children's education; and

''(vi) effective classroom management skills; and

''(C) utilizing internal teacher leaders, coaches, or content experts to—

''(i) support classroom learning; and

''(ii) model effective collaboration skills across learning communities and access knowledge from peers teaching and leading at high-performing schools.

''(e) EVALUATION.—

''(1) IN GENERAL.—Both the induction program required under subsection (d)(1) and the professional development program required under subsection (d)(2) shall include a formal evaluation system to determine the effectiveness of the program on not less than—

''(A) teacher retention;

''(B) student learning gains;

''(C) teacher instructional practice;

''(D) student graduation rates, as applicable;

''(E) parent, family, and community involvement;

''(F) student attendance rates;

''(G) teacher satisfaction; and

''(H) student behavior.

''(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in paragraph (1) shall also measure the local educational agency's and school's effectiveness in—

''(A) implementing the rigorous mentor selection process described in subsection (d)(1)(A);

''(B) ensuring that school protected release time for high-quality mentoring and mentor-teacher interactions occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(C) implementing on-going, research-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(D) ensuring that mentors, teachers, and schools are using data to inform instructional practices;

''(E) ensuring that the comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(F) ensuring that research-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols are used during the induction process pursuant to subsection (d)(1)(E).

''(3) CONDUCT OF EVALUATION.—The evaluation described in subsection (e)(1) shall be conducted by the State, institutions of higher education, or an external agency that is experienced in conducting qualitative research, and shall be developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher organizations.

''(f) INTEGRATION AND ALIGNMENT.—The comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) shall be—

''(1) integrated and aligned; and

''(2) aligned with the State's school improvement efforts under sections 1116 and 1117.

''(g) ELIGIBLE ENTITIES.—The assistance required to be provided under subsection (d) may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with the State educational agency, an institution of higher education, a nonprofit organization, a teacher organization, an educational service agency, a teaching residency program, or another entity with experience in helping schools improve student achievement.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 5. HIGH IMPACT PROFESSIONAL DEVELOPMENT.

Section 9101(34) (20 U.S.C. 7801(34)) is amended to read as follows:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means a systematic school improvement strategy that—

''(A) is designed to—

''(i) improve teachers' and principals' effectiveness in improving student learning;

''(ii) accomplish other important school goals;

''(iii) foster collective responsibility for improved student achievement; and

''(iv) engage established teams of teachers, principals, and other instructional staff in ongoing professional development designed to support and improve their professional practice multiple times per week during the regular work day and to the extent applicable and practicable, by grade level and content area to—

''(I) evaluate student, teacher, and school learning needs through a thorough review of data on student achievement;

''(II) define a clear set of educator learning goals based on the rigorous analysis of the data;

''(III) achieve educator learning goals by implementing coherent, sustained, evidenced-based, and content area specific learning strategies, including lesson study, developing formative assessments, and peer observations;

''(IV) regularly assess the effectiveness in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State student academic achievement standards or other measures of student achievement; and

''(V) inform ongoing improvements in teaching practice and student learning;

''(B) is sustained, high-quality, intensive, and comprehensive;

''(C) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by evidence-based research, and aligned with and designed to help students meet challenging State academic content standards and challenging State student academic achievement standards;

''(D) includes sustained in-service activities to improve and promote strong teaching skills—

''(i) in the core academic subjects;

''(ii) to integrate technology into the curriculum;

''(iii) to improve understanding and the use of student assessments;

''(iv) to improve classroom management;

''(v) to address the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(vi) to apply empirical knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students; and

''(vii) to provide instruction on how to work with, communicate with, and involve parents to foster academic achievement;

''(E) includes sustained training and mentoring opportunities that provide active learning and observational opportunities for teachers to model effective practice, review student work, deliver presentations, and improve lesson planning;

''(F) is supported by school principals, including school-based coaches, mentors, or lead teachers when available, who allocate time, resources, and structured facilitation to the learning teams;

''(G) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

''(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

''(ii) to enhance learning by students with specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels; and

''(iii) to improve the ability of teachers and administrators to communicate with, work with, and involve parents in their children's education;

''(H) is focused on content that is aligned with challenging State student academic achievement standards, curricula or curriculum materials, and assessments, as well as related local educational agency and school improvement and instructional goals; and

''(I) improves the academic content knowledge, as well as knowledge to assess the student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are considered highly qualified.''.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce The Long-Term Care Quality and Modernization Act of 2007. I am pleased to be joined by my

colleague Senator BLANCHE LINCOLN of Arkansas.

As Ranking Member of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost $160 billion in 2002, representing about 12 percent of all personal health care expenditures. While those numbers are already staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care services are over age 65, with this number expected to double by 2030.

Providing quality long-term care services for America's frail, elderly and disabled is the priority of nursing homes and assisted living facilities. I applaud their work, but recognize we must do more to improve care and contain costs. When you consider that eight of ten nursing home residents rely on Medicare and Medicaid for their long-term care needs, it is apparent that Congress has a responsibility to improve these programs so they are sustainable for years to come.

That is why I am introducing The Long-Term Care Quality and Modernization Act of 2007 with Senator Lincoln. This bill will address several problems nursing homes are experiencing with federal regulations, workforce shortages and taxes related to building depreciation. The issue of long-term care expenditures need not be an insurmountable task. It will require action and cooperation by public officials and private providers as we work to find ways to help Americans become better prepared for their long-term care needs.

However, we cannot do it alone. Individuals must take responsibility and begin planning for their long-term care needs. With our national savings rate in steady decline, I fear the American middle class is woefully unprepared to meet this coming challenges. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services.

Today, millions of Americans are receiving or are in need of long-term care services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their future long-term health care needs. Therefore, everyone needs to be prepared.

Included in the bill I am introducing today is The Long-Term Care Trust Account Act of 2007. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill also will allow an individual to make contributions to another family members' Long-Term Care Trust Account. This will help many people in our country who want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my colleagues on both sides of the aisle to support this important bill.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2007, which will provide new support for environmental education in our Nation's classrooms. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education. Mr. President, 30 million students and 1.2 million teachers annually are involved in these programs.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two causes. It would provide funding to States to train their teachers in the field of environmental education, and it would provide support for outdoor environmental education programs for children and a model environmental education curriculum. The bill would also create incentives, through new funding, for states to develop environmental literacy plans to make sure students have a solid understanding of our planet and its precious natural resources. Finally, the legislation would reestablish the Office of Environmental Education within the U.S. Department of Education to oversee critical environmental education activities. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that ''in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education ...'' In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development and national security. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2007. I ask unanimous consent that the text of the bill and a letter of support be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1981

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No Child Left Inside Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authorization of appropriations.

TITLE I—ENVIRONMENTAL LITERACY PLANS

Sec. 101. Development, approval, and implementation of State environmental literacy plans.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

Sec. 201. Environmental education.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

Sec. 301. Environmental education grant program to help build national capacity.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

Sec. 401. Promotion of field-based learning.

Sec. 402. Environmental education as an authorized program in the fund for the improvement of education.

TITLE V—AMENDMENTS TO OTHER LAWS

Sec. 501. Department of Education Organization Act.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, $100,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

''In order for any State educational agency or a local educational agency served by a State educational agency to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

"SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

''(a) SUBMISSION OF PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies, State natural resource agencies, and with input from the public—

''(A) submit an environmental literacy plan for kindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

''(B) begin the implementation of such plan in the State.

''(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed by or in cooperation with State environmental organizations, if such plan complies with this section.

''(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

''(1) Prepare students to understand, analyze, and address the major environmental challenges facing the United States.

''(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

''(3) Create opportunities for enhanced and ongoing professional development for teachers that improves the teachers' environmental content knowledge, skill in teaching about environmental issues, and field-based pedagogical skill base.

''(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

''(1) A description of how the State educational agency will measure the environmental literacy of students, including—

''(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

''(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(2) A description of programs for professional development for teachers to improve the teachers'—

''(A) environmental content knowledge;

''(B) skill in teaching about environmental issues; and

''(C) field-based pedagogical skills.

''(3) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review of State environmental literacy plans;

''(2) appoint individuals to the peer review process who—

''(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and non-governmental organizations; and

''(B) are familiar with national environmental issues and the health and educational needs of students;

''(3) approve a State environmental literacy plan within 120 days of the plan's submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

''(4) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

''(5) not decline to approve a State environmental literacy plan before—

''(A) offering the State an opportunity to revise the State environmental literacy plan;

''(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(C) providing notice and an opportunity for a hearing; and

''(6) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

''(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

''(B) use specific academic assessment instruments or items.

''(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

''(g) GRANTS FOR IMPLEMENTATION.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(h) REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report on the implementation of the State plan.

''(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities; and

''(C) made readily available to the public.''.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAM

"SEC. 2501. PURPOSE.

''The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

"SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

''(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include a local educational agency; and

''(2) may include—

''(A) the teacher training department of an institution of higher education;

''(B) the environmental department of an institution of higher education;

''(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

''(D) a State environmental or natural resource management agency or a local environmental or natural resource management agency; or

''(E) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of environmental education teachers.

''(b) GRANTS AUTHORIZED.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants under subsection (c).

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(c) SUBGRANTS AUTHORIZED.—

''(1) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the authorized activities described in subsection (d) consistent with the approved State environmental literacy plan.

''(2) DURATION.—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

''(d) APPLICATION REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

''(B) a description of how the activities to be carried out by the eligible partnership—

''(i) where applicable, will be aligned with challenging State academic content standards and student academic achievement standards in environmental education; and

''(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

''(C) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

''(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based and service learning to enable the teachers—

''(i) to use the local environment and community as a resource; and

''(ii) to enhance student understanding of the environment and academic achievement;

''(E) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (d); and

''(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

''(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Improving the environmental content knowledge of teachers.

''(2) Improving teachers' skills in teaching about environmental issues.

''(3) Improving the field-based pedagogical skill base of all teachers.

''(4) Providing professional development for teachers that encourages the utilization of outdoor facilities.

''(5) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

''(6) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

''(7) Conducting and operating model environmental education programs that utilize outdoor field investigations for students to directly experience nature.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

''(2) CONTENTS.—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a subgrant under this part shall report annually to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).''.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

''Subpart 23—Environmental Education Grant Program

''SEC. 5631. PURPOSE.

''The purpose of this subpart is to prepare children to understand and address major environmental challenges facing the United States and strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

''SEC. 5632. GRANT PROGRAM AUTHORIZED.

''(a) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization, State educational agency, local educational agency, or institution of higher education, that has demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of Environmental Education, is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities under this section.

''(2) DURATION.—The Secretary shall award each grant under this subpart for a period of not less than 1 year and not more than 3 years.

''SEC. 5633. APPLICATIONS.

''Each eligible entity desiring a grant under this subpart shall submit to the Secretary an application that contains—

''(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning; and

''(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

''SEC. 5634. USE OF FUNDS.

''Grant funds made available under this subpart shall be used for 1 or more of the following:

''(1) Developing and implementing challenging State environmental education academic content standards, student academic achievement standards, and State curriculum frameworks.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum; or

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students' overall academic performance, personal health (including addressing child obesity issues), or their understanding of nature.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

''(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

''(C) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, and the other core academic subjects.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

''(6) Planning and initiating new national or State sources of environmental education funding.

''SEC. 5635. REPORTS.

''(a) ELIGIBLE ENTITY REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear

grant under this subpart, the eligible entity shall submit to the Secretary an annual report that—

''(1) describes the activities assisted under this subpart that were conducted during the preceding year;

''(2) demonstrates that progress has been made in helping schools to meet State standards for environmental education; and

''(3) describes the results of the eligible entity's evaluation and accountability plan.

''(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this subpart;

''(2) documents the success of such programs in improving national and State environmental education capacity; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

''SEC. 5636. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share under this subpart shall not exceed—

''(1) 90 percent of the total cost of a program assisted under this subpart for the first year for which the program receives assistance under this subpart; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this subpart for any fiscal year may be used for administrative expenses.

''(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

''SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.''.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

SEC. 401. PROMOTION OF FIELD-BASED LEARNING.

(a) STATE USE OF FUNDS.—Section 2113(c) (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (10), by inserting ''field-based learning, service learning, outdoor experiential learning,'' after ''peer networks,''; and

(2) by adding at the end the following:

''(19) Encouraging and supporting the training of teachers and administrators to incorporate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

(b) LOCAL USE OF FUNDS.—Section 2123(a)(3)(B) (20 U.S.C. 6623(a)(3)(B)) is amended—

(1) in clause (iv), by striking ''and'' after the semicolon;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vi) provide training on how to integrate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

SEC. 402. ENVIRONMENTAL EDUCATION AS AN AUTHORIZED PROGRAM IN THE FUND FOR THE IMPROVEMENT OF EDUCATION.

Section 5411(b) (20 U.S.C. 7243(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

''(9) Activities and programs that advance environmental education, including interdisciplinary courses that integrate the study of natural, social, and economic systems and the use of the environment as an integrating theme for a school curriculum, as well as field-based learning, service learning, and outdoor experiential learning.''.

TITLE V—AMENDMENTS TO OTHER LAWS

SEC. 501. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF ENVIRONMENTAL EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

''SEC. 221. OFFICE OF ENVIRONMENTAL EDUCATION.

''(a) OFFICE OF ENVIRONMENTAL EDUCATION.—There shall be in the Department an Office of Environmental Education (referred to in this section as 'the Office').

''(b) DIRECTOR.—

''(1) APPOINTMENT AND REPORTING.—The Office shall be headed by a Director of Environmental Education (in this section referred to as the 'Director'), who shall be appointed by the Secretary.

''(2) DUTIES.—The Director shall—

''(A) develop a national plan for kindergarten through grade 12 environmental education and coordinate the resulting implementation process for the plan;

''(B) coordinate the development of voluntary national standards and a national model curriculum;

''(C) administer the environmental education grant program under subpart 23 of part D of title V of the Elementary and Secondary Education Act of 1965;

''(D) administer the environmental education professional development grant program under part E of title II of the Elementary and Secondary Education Act of 1965; and

''(E) work in partnership with education activities at the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the National Science Foundation to advance kindergarten through grade 12 environmental education.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by inserting after the item relating to section 220 the following new item:

''Sec. 221. Office of Environmental Education.''.

NO CHILD LEFT INSIDE,
August 1, 2007.

Hon. JACK REED,
Committee on Health, Education, Labor, and Pensions, U.S. Senate,
Hart Senate Office Building, Washington, DC. 20510–3903

DEAR SENATOR REED: As members of the No Child Left Inside Coalition, we are writing to commend you for introducing the No Child Left Inside Act of 2007, and we offer our support for environmental education in the reauthorization of the No Child Left Behind Act. While we applaud the thrust of the No Child Left Behind Act, we believe adjustments are needed to improve environmental consciousness in schools across the country.

Our coalition comprises over two dozen national and regional education and environmental organizations. Together we represent more than 7 million citizens who are passionate about the inclusion of environmental education in students' learning.

The country is facing a host of complicated environmental challenges, but we are not providing an adequate environmental education to our young people. Indeed, over the past few years many schools have cut back on instruction related to the environment, canceling field trips and meaningful outdoor explorations. Three decades of growth in environmental education has been hampered by No Child Left Behind, even as the nation's environmental issues have grown increasingly complex.

We believe it is critical to reverse this trend and provide children with a solid understanding of the planet and the problems it faces. As they will be called upon throughout their lives to sort out various environmental claims and issues impacting their jobs, health, security and transportation, our children need to have the tools to be able to make wise decisions and choices.

To that end, we support several changes to the No Child Left Behind Act that would emphasize the importance of environmental education:

New funding should be available to help states develop rigorous environmental education standards and improve teacher training.

To be eligible for new environmental education funding, states would be required to develop plans to ensure that their students are environmentally literate.

These changes will provide the incentives and support school systems need to offer more and better environmental instruction. The rewards are likely to be great. We know from past research that students who take part in environmental education programs become more engaged with school and do better on standardized tests.

Our coalition urges that the reauthorization of the No Child Left Behind Act not only improve educational offerings but provide new support for environmental education.

Once again, we thank you for your leadership on this important issue.

If you would like additional information, please contact Don Baugh, representing the No Child Left Inside Coalition.

Sincerely,

Pam Gluck, Executive Director, American Trails; Andrew J. Falender, Executive Director, Appalachian Mountain Club; Jen Levy, Executive Director, Association of Nature Center Administrators; Steve Olson, Director of Government Affairs, Association of Zoos and Aquariums; Lori Whalen, Director of Education, Back to Natives Restoration; William C. Baker, President, Chesapeake Bay Foundation; Martin Blank, Staff Director, Coalition for Community Schools; Josetta Hawthorne, Executive Director, Council for Environmental Education; Kathleen Rogers, President, Earth Day Network; Vince Meldrum, President, Earth Force, Inc.; Mark Gold, President, Heal the Bay; Ed Pembleton, Director, Leopold Education Project; Laura A. Johnson, President, Mass Audubon; Tim Merriman, Ph.D., Executive Director, National Association of Interpretation; Judy Braus, Senior Vice President for Education and Centers, National Audubon Society; Joel Packer, Director, Education Policy and Practice, National Education Association; Lori Arguelles, President and CEO, National Marine Sanctuary Foundation; John Thorner, Executive Director, National Recreation and Park Association; Jodi Peterson, Assistant Executive Director, National Science Teachers Association; Nelda Brown, Executive Director, National Service-Learning Partnership; Larry Schweiger, President & CEO, National Wildlife

Federation; Brian Day, Executive Director, North American Association for Environmental Education; Howard K. Vincent, President and CEO, Pheasants Forever and Quail Forever; Kathy McGlauflin, Senior Vice President of Education and Director, Project Learning Tree; Shareen Knowlton, President, Rhode Island Environmental Education Association; Jack Mulvena, Executive Director, Rhode Island Zoological Society Roger Williams Park Zoo; David Lewis, Executive Director, Save San Francisco Bay Association (Save The Bay); H. Curtis Spalding, Executive Director, Save The Bay; Anthony D. Cortese, President, Second Nature; Martin LeBlanc, National Youth Education Director, Sierra Club; Lawrence A. Selzer, President & CEO, The Conservation Fund; Bill Mott, Director, The Ocean Project; Maribeth Oakes, Director, The Wilderness Society National Wildlife Refuge Program; John F. Calvelli, Senior Vice President of Public Affairs, Wildlife Conservation Society; Steven A. Culbertson, President & CEO, Youth Service America.

BY Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANDERS. Mr. President, I am introducing today with Senator LEAHY the U.S. Employee Ownership Bank Act.

At a time when the U.S. has lost over 3 million manufacturing jobs; at a time when we are on the cusp of losing millions of high-paying information technology jobs, this legislation would begin to reverse that trend by providing employees with the resources they need to purchase their own businesses through Employee Stock Ownership Plans and Eligible Worker Owned Cooperatives.

Specifically, this legislation would authorize $100 million to create a U.S. Employee Ownership Bank within the Department of Treasury to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout the country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is simple: employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage.

This legislation has the strong support of the ESOP Association, a nonprofit organization representing approximately 2,500 Employee Stock Ownership Plans throughout the country. Let me quote from a letter they recently sent to my office:

Your legislation is a modest first step in awakening our Government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your legislation, and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee owned companies, and our American economy.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low wage countries. Since a number of these factories were making profits, shutting them down was unnecessary and could have been avoided by selling these factories to their employees through ESOPs or worker-owned cooperatives.

Since 2000, the U.S. manufacturing sector has lost 3.2 million decent-paying jobs. Put another way, since George W. Bush has been elected President, this country has seen one out of every six factory jobs disappear.

In addition, the Associated Press recently reported about a study by Moody's which found that ''16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing.''

In other words, about 16 percent of the biggest cities in this country are experiencing a recession, largely due to the loss of decent-paying manufacturing jobs. I suspect that this problem is even worse in rural areas. In my small State of Vermont, we have lost about 20 percent of our manufacturing jobs over the past 6 years representing over 10,000 jobs.

Let me just give you an example of some of the jobs that have been lost. From 2001–2006 the United States of America experienced the loss of 42 percent of our communication equipment jobs; 37 percent of our semiconductor and electronic component manufacturing jobs; 43 percent of our textile jobs; and about half of our apparel jobs.

Not only are we losing decent-paying manufacturing jobs, we are also losing high-paying information technology jobs as well.

While the loss of manufacturing jobs has been well-documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the U.S. economy lost over 640,000 jobs or more than 17 percent of its workforce.

Unfortunately, the worst may be yet to come. Alan Blinder, an economist at Princeton and the former Vice Chairman of the Federal Reserve has recently concluded that between 30 and 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years.

Would expanding employee ownership be a cure-all for what ails the manufacturing and information technology sectors? Of course it wouldn't. But I strongly believe that employee ownership can and should be one of the central strategies in combating the outsourcing of American jobs. Simply put, workers who are also owners will not move their own jobs to China.

Today, there are some 11,000 Employee Stock Ownership Plans, hundreds of worker owned cooperatives, and thousands of other companies with some form of employee ownership, and most of them are thriving.

In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. According to a Rutgers University study, broad based employee ownership boosts company productivity by 4 percent shareholder return by 2 percent and profits by 14 percent. Similar studies have shown that ESOP companies paid their hourly workers between 5 to 12 percent better than non-ESOP companies.

Yet, despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this legislation is so important.

When I was the Ranking Member of the Financial Institutions and Consumer Credit Subcommittee in the House of Representatives, I was able to hold a hearing on this issue nearly 4 years ago.

During the hearing, a number of witnesses told the Subcommittee that if Federal loans, loan guarantees, technical assistance and grants were made available for the expansion of employee ownership, factories that are now closed and abandoned would be open for business today.

For example, the Subcommittee heard from Larry Owenby who worked at the RFS Ecusta mill in North Carolina for 30 years until one day, the company decided to shut down.

Other witnesses talked about factories that were closed in Mississippi, Alabama and Ohio. All of the witnesses testified in support of Federal loans, loan guarantees and technical assistance for the expansion of employee ownership. In fact, if this assistance had been around before the plants had closed, many of them would still be employed today as employee owners.

The final point that I want to make is that the Federal Government, through the U.S. Export-Import Bank, is already providing billions of dollars in loans, loan guarantees and other assistance to large, multi-national companies, such as Boeing, General Electric, and Halliburton. Many of these companies happen to be some of the largest job cutters in America, as they have moved hundreds of thousands of jobs to China, India, and Mexico.

In my opinion, instead of providing corporate welfare to large corporations that are throwing American workers out on the street as they move overseas, we should be providing employees with the tools they need to create and retain jobs right here in the United States through the expansion of employee ownership.

I urge my colleagues to support this important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING SEPTEMBER 9, 2007, AS ''NATIONAL ASSISTED LIVING WEEK''

Mr. CRAPO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2007 is ''Legacies of Love''; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 9, 2007, as ''National Assisted Living Week''; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

SENATE RESOLUTION 293—COMMENDING THE FOUNDER AND MEMBERS OF PROJECT COMPASSION

Mr. HATCH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 293

Whereas it is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice;

Whereas, in the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member;

Whereas, to date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States; and

Whereas Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the members of the Armed Forces who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to the members of Project Compassion; and

(3) the Senate, on behalf of the people of the United States, commends Project Compassion volunteer professional portrait artists and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

Mr. HATCH. Mr. President, I rise today to pay tribute to Project Compassion. Project Compassion was founded by Ms. Kaziah Hancock in my home State of Utah. She and the other members of Project Compassion volunteer their time to create gallery-quality portraits of soldiers, airmen, sailors, and Marines who have fallen in combat and send them to the families of these troops. These wonderful patriots receive no compensation for their efforts to honor the service and sacrifice of the members of our military.

This gift offers comfort and consolation to the family members of those troops who fall in battle. To date, Ms. Hancock and the other volunteers of Project Compassion have presented over 700 paintings to the families of America's fallen heroes. These portraits provide a real sense of closure and remembrance to the family members of our fallen heroes. Even though the portraits created by Project Compassion members are extremely well done by talented artists, they accept no compensation for their efforts, they merely do it out of love.

It is my belief that Ms. Hancock and the other members of Project Compassion demonstrate extraordinary patriotism and support for our service men and women, and do so without expectation of financial gain or recognition. We owe these wonderful people our heartfelt thanks and deepest respect. I hope my colleagues will support this resolution, and offer their gratitude for the work performed by these remarkable individuals.

SENATE RESOLUTION 294—DESIGNATING SEPTEMBER 2007 AS ''NATIONAL BOURBON HERITAGE MONTH''

Mr. BUNNING submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas Congress declared bourbon as ''America's Native Spirit'' in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Bourbon Heritage Month'';

(2) recognizes bourbon as ''America's Native Spirit'' and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

SENATE RESOLUTION 295—DESIGNATING SEPTEMBER 19, 2007, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

Ms. CANTWELL submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and

the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 296—DESIGNATING SEPTEMBER 2007 AS ''NATIONAL YOUTH COURT MONTH''

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as ''National Youth Court Month''.

SENATE RESOLUTION 297—RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

SENATE RESOLUTION 298—COMMENDING THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR HOLDING A 3-DAY CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE, AND RECOGNIZING THAT THE CITY OF FAYETTEVILLE IS WHERE NORTH CAROLINA CELEBRATES THE BIRTHDAY OF THE MARQUIS DE LAFAYETTE

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas the 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 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de 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;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, 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 western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as ''The Guest of the Nation,'' the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2628. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, supra.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON, of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States.

TEXT OF AMENDMENTS

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMONSTRATION PROJECT TO PROVIDE NURSE HOME VISITATION SERVICES UNDER MEDICAID AND CHIP.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Medicaid and CHIP have collectively provided health insurance coverage to over 38,000,000 low-income pregnant women and children.

(B) Evidence-based nurse home visitation programs can improve the health status of low-income pregnant women and children enrolled in Medicaid and CHIP by promoting access to prenatal and well-baby care, reducing pre-term births, reducing high-risk pregnancies, increasing time intervals between first and subsequent births, and improving child cognitive, social, and behavioral skills, and development.

(C) In addition to health benefits, evidence-based nurse home visitation programs have been proven to increase maternal employment and economic self-sufficiency and significantly reduce child abuse and neglect, child arrests, maternal arrests, and involvement in the criminal justice system.

(D) Evidence-based nurse home visitation programs are cost effective, yielding a 5-to-1 return on investment for every dollar spent on services, and producing a net benefit to society of $34,000 per high risk family served.

(2) PURPOSE.—The purpose of this section is to establish a demonstration project to evaluate the cost-effectiveness and impact on the health and well-being of low-income pregnant mothers and children of providing evidence-based nurse home visitation services for low-income pregnant mothers and children under Medicaid and CHIP, particularly with respect to the impact of such services on—

(A) improving the prenatal health of children;

(B) improving pregnancy outcomes;

(C) improving child health and development;

(D) improving child development and mental health related to elementary school readiness;

(E) improving family stability and economic self-sufficiency;

(F) reducing the incidence of child abuse and neglect; and

(G) increasing birth intervals between pregnancies.

(b) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide, in accordance with the provisions of this section, medical assistance under the State plan under title XIX of the Social Security Act, child health assistance under the State child health plan under title XXI of such Act, or both for evidence-based nurse home visitation services to children and pregnant women who are eligible for such assistance under such plans.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance or child health assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance, child health assistance, or both in accordance with this section.

(c) LENGTH OF PERIOD FOR PROVISION OF ASSISTANCE.—A State shall not be approved to provide medical assistance or child health assistance for evidence-based nurse home visitation services in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $25,000,000 for the period of fiscal years 2008 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $25,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2012.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to 100 percent of the expenditures in the quarter for medical assistance or child health assistance (as applicable) for evidence-based nurse home visitation services provided to low-income pregnant mothers and children who are eligible for such assistance under a State plan under title XIX or XXI of such Act in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the programs on Medicaid and CHIP. For purposes of conducting such evaluation, the Secretary shall require a State that submits an application to participate in the demonstration project established under this section to agree, as a condition of approval of such application, to maintain data related to, and be subject to, periodic evaluations based on performance outcomes regarding the following:

(A) Substance abuse during pregnancy.

(B) Prematurity.

(C) Immunizations.

(D) Developmental delay.

(E) Language development.

(F) Emergency room visits and hospitalizations for injury.

(G) Interval between pregnancies.

(H) Workforce participation.

(I) Government assistance use.

(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) DEFINITION.—In this section, the term ''evidence-based nurse home visitation services'' means services (such as services related to improving prenatal health, pregnancy outcomes, child health and development, school readiness, family stability and economic self-sufficiency, reducing child abuse, neglect, and injury, reducing maternal and child involvement in the criminal justice system, and increasing birth intervals between pregnancies) on behalf of a targeted low-income child who has not attained age 2 and is born to a first-time pregnant mother, but only if such services are provided in accordance with outcome standards that have been replicated in multiple, rigorous, randomized controlled trials in multiple sites, with outcomes that improve prenatal health of children, pregnancy outcomes, child health and development, child development, and mental health related to elementary school readiness, reduce child abuse, neglect, and injury, increase birth intervals between pregnancies, and improve maternal employment.

(g) RULE OF CONSTRUCTION.—Nothing in the demonstration project established under this section shall be construed as affecting the ability of a State under Medicaid or CHIP to provide nurse home visitation services as part of medical assistance, child health assistance, or an administrative expense, for which any State received payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a), 1397ee(a)) for the provision of such services before, on, or after the date of enactment of this Act.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 and insert the following:

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

''(1) COMPUTATION OF ALLOTMENT.—

''(A) IN GENERAL.—The Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment for such fiscal year an amount which bears the same ratio to such available national allotment as the sales of cigarettes in such State bears to total sales of cigarettes in all subsection (b) States (based on the most current data available to the Secretary from the Centers for Disease Control).

''(B) AVAILABLE NATIONAL ALLOTMENT.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). The available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

''(2) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)'';

(2) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''; and

(3) in subsection (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''.

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes, which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.——Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(B) by adding at the end the following new paragraph:

''(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

''(A) dental services; or

''(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B).

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

''(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

''(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).''.

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or (u)(4)'' and inserting ''(u)(4), or (u)(5)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

''(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(iii) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return

under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976 to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Beginning on page 133, strike line 4 and all that follows through page 165, line 2, and insert the following:

SEC. 401. PREMIUM ASSISTANCE FOR HIGHER INCOME CHILDREN AND PREGNANT WOMEN WITH ACCESS TO EMPLOYER-SPONSORED COVERAGE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c) is amended by adding at the end the following:

''(10) PREMIUM ASSISTANCE.—

''(A) IN GENERAL.—Beginning with fiscal year 2008, a State may only provide child health assistance for a targeted low-income child or a pregnant woman whose family income exceeds 200 percent of the poverty line and who has access to qualified employer sponsored coverage (as defined in subparagraph (B)) through the provision of a premium assistance subsidy in accordance with the requirements of this paragraph.

''(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

''(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

''(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

''(II) for which the employer contribution toward any premium for such coverage is at least 50 percent (75 percent, in the case of an employer with more than 50 employees);

''(III) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

''(IV) cost-effective, as determined under clause (ii).

''(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

''(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

''(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

''(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

''(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

''(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

''(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

''(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

''(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

''(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

''(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

''(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

''(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

''(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

''(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting

the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007, for targeted low-income children or pregnant women whose family income does not exceed 200 percent of the poverty line.

''(I) NOTICE OF AVAILABILITY.—A State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage and the requirement to provide such subsidies to the individuals described in subparagraph (A);

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy, or if required, to obtain such subsidies; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.''.

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

''(d) The provisions of section 2105(c)(10) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.''.

SA 2628. Ms. SNOWE (for herself and Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.——Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(B) by adding at the end the following new paragraph:

''(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

''(A) dental services; or

''(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B). In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

''(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

''(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).''.

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or (u)(4)'' and inserting ''(u)(4), or (u)(5)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

''(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(iii) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises

self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIAN.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) 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) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) 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 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) 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

(ii) 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.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) 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.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) 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 servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) 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''.

(H) 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 under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) 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 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) 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.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) 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.''.

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 609, is

amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(C) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.''.

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. _____. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 12 and 13, insert the following:

''(j) DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDESERVED AREAS.—

''(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and school-based health centers to conduct demonstration projects to evaluate promising ideas for improving access to quality dental health services for children in undeserved areas under title XIX or XXI.''.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. ___. GAO REPORT REGARDING THE FINANCIAL IMPACT OF HURRICANE KATRINA AND HURRICANE RITA ON LOUISIANA HEALTH CARE FACILITIES.

(a) REPORT.—Not later than 6 months after enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the financial impact of Hurricane Katrina and Hurricane Rita on health care facilities located in Louisiana.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of the continued financial impact on health care facilities located in Louisiana as a direct or indirect result of Hurricane Katrina and Hurricane Rita, including financial losses.

(2) POTENTIAL ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress and the Louisiana State government in mitigating the losses determined under paragraph (1).

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 9, add at the end the following: ''Notwithstanding the preceding sentence, the Secretary may waive the requirements of section 1902(a)(46)(B) of such Act for any State affected by Hurricane Katrina or Hurricane Rita in order to allow the State to conditionally enroll individuals who are working in good faith to secure satisfactory documentation.''.

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. ___. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER UNDER GROUP AND INDIVIDUAL HEALTH INSURANCE COVERAGE AND GROUP HEALTH PLANS .

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.''.

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

''Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.'';

and

(B) by inserting after section 9812 the following:

"SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH COVERAGE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2008.

(2) INDIVIDUAL HEALTH COVERAGE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note) is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986''.

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 3, insert ''(or, in the case of Louisiana, the average monthly enrollment of low-income children enrolled in the such plan for the second quarter of fiscal year 2007, as determined over a 3-month period on such basis)''after ''(MSIS)''.

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE CONCERNING THE HEALTH CARE OF CHILDREN DISPLACED DURING A CATASTROPHIC DISASTER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Hurricanes Katrina and Rita of 2005 displaced more that 1,300,000 Louisianans, of those 372,000 were children displaced from schools.

(2) Before the Hurricanes, 48 percent of Louisiana children belonged to low income families.

(3) In New Orleans alone, 28 percent of children lived below the poverty line.

(4) In August of 2006, there were more than 251,000 evacuees still living in Texas, according to a study by the Texas Department of Health and Human Services. The study found that 54 percent of the evacuee households received Federal housing subsidies, 39 percent received food stamps, 32 percent received unemployment benefits, and about half of the households included children covered by Medicaid or the Children's Health Insurance Program. Thirty-nine percent of the evacuees in Texas are children, and 60 percent of the adult evacuees are women.

(5) Disasters of the magnitude of Hurricanes Katrina and Rita will occur again in the future.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conferees for this bill should review issues concerning the health care of displaced children during a manmade or natural disaster of a catastrophic nature and should consider solutions to the following concerns to prevent future evacuated children from being denied health insurance coverage:

(1) Lack of transferability of health insurance for children who are evacuated from one State to another.

(2) Length of eligibility review processes.

(3) Burdensome eligibility and enrollment requirements.

(4) Sources of funding for services provided by host States that receive evacuees.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. UNIFORM STANDARDS FOR INTERROGATION TECHNIQUES APPLICABLE TO INDIVIDUALS UNDER CONTROL OR CUSTODY OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the effective control of the United States Government or any agency or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by sections 5–50 through 5–99 of the United States Army Field Manual on Human Intelligence Collector Operations.

(b) PROHIBITED ACTIONS.—The treatment or techniques of interrogation prohibited under subsection (a) include, but are not limited to, the following:

(1) Forcing an individual to be naked, perform sexual acts, or pose in a sexual manner.

(2) Placing a hood or sack over the head of an individual, or using or placing duct tape over the eyes of an individual.

(3) Applying a beating, electric shock, burns, or other forms of physical pain to an individual.

(4) Subjecting an individual to the procedure known as ''waterboarding''.

(5) Subjecting an individual to threats or attack from a military working dog.

(6) Inducing hypothermia or heat injury in an individual.

(7) Conducting a mock execution of an individual.

(8) Depriving an individual of necessary food, water, or medical care.

(c) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the United States Government pursuant to a criminal law or immigration law of the United States.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any individual in the custody or under the effective control of the United States Government.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, between lines 8 and 9, insert the following:

''(ii) limiting the authority a State described in clause (i), or any other State that provides premium assistance under the authority of this paragraph or otherwise, to provide dental coverage to children who would be targeted low-income children but for the application of paragraph (1)(C) of section 2110(b) and who do not otherwise have dental coverage; or''.

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial

or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subparagraphs (B) through (D) of subsection (a)(2) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. EXPRESSING THE SENSE OF THE SENATE REGARDING THE MEDICARE NATIONAL COVERAGE DETERMINATION ON THE TREATMENT OF ANEMIA IN CANCER PATIENTS.

(a) FINDINGS.—The Senate finds the following:

(1) The Centers for Medicare & Medicaid Services issued a final Medicare National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N) on July 30, 2007.

(2) Fifty-two United States Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare & Medicaid Services expressing significant concerns with the proposed National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions, issued on May 14, 2007, regarding the use of erythropoiesis stimulating agent therapy for Medicare cancer patients.

(3) Although some improvements have been incorporated into such final National Coverage Determination, the policy continues to raise significant concerns among physicians and patients about the potential impact on the treatment of cancer patients in the United States.

(4) The American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, is specifically concerned about a provision in such final National Coverage Determination that restricts coverage whenever a patient's hemoglobin goes above 10 g/dL.

(5) The American Society of Clinical Oncology has written to the Centers for Medicare & Medicaid Services—

(A) to note that such a ''restriction is inconsistent with both the FDA-approved labeling and national guidelines'';

(B) to express deep concerns about such final National Coverage Determination; and

(C) to urge that the Centers for Medicare & Medicaid Services reconsider such restriction.

(6) Such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States.

(7) The Centers for Medicare & Medicaid Services has noted that the agency did not address the impact on the blood supply in such final National Coverage Determination and has specifically stated, ''[t]he concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Centers for Medicare & Medicaid Services should begin an immediate reconsideration of the final National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N);

(2) the Centers for Medicare & Medicaid Services should consult with members of the clinical oncology community to determine appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, AND MR. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

On page 22, lines 3 and 4, strike ''paragraph'' and insert ''subsection''.

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert ''clause (ii) or (iii) of'' after ''under''.

On page 74, lines 15 and 16, strike ''13–consecutive week period'' and insert ''3-month period''.

On page 118, strike lines 17 through 21.

Page 120, line 5, strike ''section 1902(a)(46)(B)(ii)'' and insert ''subsection (a)(46)(B)(ii)''.

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike ''PREVIOUSLY APPROVED PREMIUM ASSISTANCE'' and insert ''PREMIUM ASSISTANCE WAIVER''.

On page 150, beginning on line 3, strike ''issued'' and all that follows through line 9 and insert ''developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).''.

On page 151, line 14, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 157, line 1, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

On page 205, line 11, strike ''2112(b)(2)(A)(i)'' and insert ''2111(b)(2)(B)(i)''.

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) 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) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) 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 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) 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

(ii) 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.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) 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.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) 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 servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) 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''.

(H) 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 under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) 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 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) 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.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) 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.''.

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Infrastructure Improvement Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 8. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 11:30 a.m. in closed session to receive a briefing on drawdown planning for U.S. forces in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 2, 2007, at 9:30 a.m. in order to conduct a Hearing on the nominations of the Honorable Randall S. Kroszner, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; Ms. Elizabeth A. Duke, of Virginia, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Larry A. Klane, of the District of Columbia, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. 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, August 2, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. During the Executive Session, Committee members will mark up the following agenda items:

1. S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007;

2. S. 602, Child Safe Viewing Act of 2007;

3. S. 1578, Ballast Water Management Act of 2007;

4. S. 1892, Coast Guard Authorization Act of 2007; and

5. Nominations subject to July 31, 2007 Confirmation Hearing. (PN 571) Mr. Ronald Spoehel, to be Chief Financial Officer, National Aeronautics and Space Administration, (PN 522) Mr. William G. Sutton, to be Assistant Secretary of Commerce, U.S. Department of Commerce. (PN 645) Vice Admiral Thomas J. Barrett, to be Deputy Secretary, U.S. Department of Transportation. (PN 656) Mr. Paul R. Brubaker, to be Administrator of the Research and Innovative Technology Administration, U.S. Department of Transportation. (PN 781) Nomination for Promotion in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VII'' on Thursday, August 2, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Witness list

Karl Rove, The White House; J. Scott Jennings, The White House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous 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, August 2, 2007, at 11:30 a.m. in Dirksen room 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); S. 1692, A bill to grant a Federal Charter to Korean War Veterans Association, (Cardin, Isakson,

Kennedy); S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House; (Whitehouse).

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

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 10 a.m. in order to conduct a hearing entitled ''Service Standards at the Postal Service: Are Customers Getting What They Paid For?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, August 2, 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 S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m., in order to conduct a hearing entitled ''Reforming Key International Financial Institutions for the 21st Century.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Dr. Carmen Green, a fellow in his office, be granted floor privileges. I ask unanimous consent that Ben Miller of the Finance Committee be granted floor privileges, both for the remainder of debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation and the Senator from Maine (Ms. COLLINS), At Large.

DESIGNATING SEPTEMBER 2007 AS ''NATIONAL BOURBON HERITAGE MONTH''

DESIGNATING SEPTEMBER 19, 2007, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

DESIGNATING SEPTEMBER 2007 AS ''NATIONAL YOUTH COURT MONTH''

RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

COMMENDING FAYETTEVILLE, NORTH CAROLINA, FOR HOLDING A CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following Senate resolutions which were submitted earlier today: S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. HATCH. Mr. President, I rise today to speak in honor of an organization that has, over the last century, worked so amazingly hard to serve the people and communities of my home State of Utah. This year, the Utah League of Cities and Towns celebrates its 100th Anniversary.

The Utah League of Cities and Towns, ULCT, has done a wonderful job of representing hundreds of cities and towns throughout a large and growing State for 100 years now. Senator BENNETT and I are very proud of the way it has advocated for the success of each city and town throughout Utah and we would like to honor its wonderful accomplishment by introducing this resolution to celebrate its 100th anniversary. I urge my colleagues to join with me in supporting this resolution and in wishing the members of the ULCT another 100 years of success in the century to come.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 294

Whereas Congress declared bourbon as ''America's Native Spirit'' in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Bourbon Heritage Month'';

(2) recognizes bourbon as ''America's Native Spirit'' and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with

ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as ''National Youth Court Month''.

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

S. RES. 298

Whereas the 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 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de 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;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, 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 western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as ''The Guest of the Nation,'' the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

URGING THE PRESIDENT TO DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 87, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 87) expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 87

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'';

Whereas the Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the lung cancer mortality rate by 50 percent by 2015;

(2) direct the Secretary of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs as part of a coordinated strategy with defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state-of-the-art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint a Lung Cancer Scientific and Medical Advisory Committee, comprised of medical, scientific, pharmaceutical, and patient advocacy representatives, to—

(A) work with the National Lung Cancer Public Health Policy Board described in paragraph (5); and

(B) report to the President and Congress on the progress toward and the obstacles to achieving the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015; and

(5) convene a National Lung Cancer Public Health Policy Board, comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, to oversee and coordinate all efforts to accomplish the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015.

PESTICIDE REGISTRATION IMPROVEMENT RENEWAL ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1983, introduced earlier today by Senators HARKIN and CHAMBLISS.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1983) to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I am pleased to join with my colleague and committee ranking member, Senator CHAMBLISS, to offer the Pesticide Registration Improvement Renewal Act.

This legislation will reauthorize and amend the Pesticide Registration Improvement Act we enacted in 2003 to control the collection and disbursement of fees collected in the pesticide registration process. This legislation extends the authority for the Environmental Protection Agency to collect maintenance fees for the reregistration of pesticides.

This legislation is agreed upon by a broad array of stakeholders, including the manufacturers, environmental groups and agricultural producers. This legislation ensures that these chemicals are reevaluated in a timely manner, while covering the costs of the EPA workers who carry out this important work. This bill has no budgetary impact and should not be controversial. I ask my colleagues to support this important measure.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1983) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1983

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 ''Pesticide Registration Improvement Renewal Act''.

SEC. 2. REVIEW OF APPLICATIONS.

Section 3(c)(3)(B)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(3)(B)(ii)) is amended—

(1) in subparagraph (I), by striking ''within 45 days'' and all that follows through ''and,'' and inserting ''review the application in accordance with section 33(f)(4)(B) and,''; and

(2) in subparagraph (II), by striking ''within'' and inserting ''not later than the applicable decision review time established pursuant to section 33(f)(4)(B), or, if no review time is established, not later than''.

SEC. 3. REGISTRATION REVIEW.

Section 3(g)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by striking ''The registrations'' and inserting the following:

''(i) IN GENERAL.—The registrations'';

(B) in the second sentence, by striking ''The Administrator'' and inserting the following:

''(ii) REGULATIONS.—In accordance with this subparagraph, the Administrator''; and

(C) by striking ''The goal'' and all that follows through ''No registration'' and inserting the following:

''(iii) INITIAL REGISTRATION REVIEW.—The Administrator shall complete the registration review of each pesticide or pesticide case, which may be composed of 1 or more active ingredients and the products associated with the active ingredients, not later than the later of—

''(I) October 1, 2022; or

''(II) the date that is 15 years after the date on which the first pesticide containing a new active ingredient is registered.

''(iv) SUBSEQUENT REGISTRATION REVIEW.—Not later than 15 years after the date on which the initial registration review is completed under clause (iii) and each 15 years thereafter, the Administrator shall complete a subsequent registration review for each pesticide or pesticide case.

''(v) CANCELLATION.—No registration'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) DOCKETING.—

''(i) IN GENERAL.—Subject to clause (ii), after meeting with 1 or more individuals that are not government employees to discuss matters relating to a registration review, the Administrator shall place in the docket minutes of the meeting, a list of attendees, and any documents exchanged at the meeting, not later than the earlier of—

''(I) the date that is 45 days after the meeting; or

''(II) the date of issuance of the registration review decision.

''(ii) PROTECTED INFORMATION.—The Administrator shall identify, but not include in the docket, any confidential business information the disclosure of which is prohibited by section 10.''.

SEC. 4. MAINTENANCE FEES.

(a) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a—1(i)(5)(C)) is amended by striking ''amount of'' and all that follows through the end of clause (v) and inserting ''amount of $22,000,000 for each of fiscal years 2008 through 2012''.

(b) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of the Federal Insecticide Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking by striking ''shall be'' and all that follows through the end of subclause (IV) and inserting ''shall be $71,000 for each of fiscal years 2008 through 2012; and''; and

(B) in clause (ii), by striking ''shall be'' and all that follows through the end of subclause (IV) and inserting ''shall be $123,000 for each of fiscal years 2008 through 2012.''; and

(2) in subparagraph (E)(i)—

(A) in subclause (I), by striking ''shall be'' and all that follows through the end of item (dd) and inserting ''shall be $50,000 for each of fiscal years 2008 through 2012; and''; and

(B) in subclause (II), by striking ''shall be'' and all that follows through the end of item (dd) and inserting ''shall be $86,000 for each of fiscal years 2008 through 2012.''.

(c) EXTENSION OF AUTHORITY FOR COLLECTING MAINTENANCE FEES.—Section 4(i)(5)(H) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(H) is amended by striking ''2008'' and inserting ''2012.''

(d) OTHER FEES.—

(1) IN GENERAL.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) is amended by striking ''2010'' and inserting ''2014''.

(2) PROHIBITION ON TOLERANCE FEES.—Section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)) is amended by adding at the end the following:

''(3) PROHIBITION.—During the period beginning on the effective date of the Pesticide Registration Improvement Renewal Act and ending on September 30, 2012, the Administrator shall not collect any tolerance fees under paragraph (1).''.

(e) REREGISTRATION AND EXPEDITED PROCESSING FUND.—

(1) SOURCE AND USE.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(A) in the first sentence, by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)'';

(B) in clause (i), by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)''; and

(C) in clause (ii), by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)''.

(2) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended by striking ''2007 and 2008'' and inserting ''2008 through 2012''.

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) DOCUMENTATION.—Section 33(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(2)) is amended—

(1) in subparagraph (C), by striking clause (ii) and inserting the following:

''(ii) payment of at least 25 percent of the registration service fee and a request for a waiver from or reduction of the remaining amount of the registration service fee.''; and

(2) by adding at the end the following:

''(D) PAYMENT.—The registration service fee required under this subsection shall be due upon submission of the application.

''(E) APPLICATIONS SUBJECT TO ADDITIONAL FEES.—An application may be subject to additional fees if—

''(i) the applicant identified the incorrect registration service fee and decision review period;

''(ii) after review of a waiver request, the Administrator denies the waiver request; or

''(iii) after review of the application, the Administrator determines that a different registration service fee and decision review period apply to the application.

''(F) EFFECT OF FAILURE TO PAY FEES.—The Administrator shall reject any application submitted without the required registration service fee.

''(G) NON-REFUNDABLE PORTION OF FEES.—

''(i) IN GENERAL.—The Administrator shall retain 25 percent of the applicable registration service fee.

''(ii) LIMITATION.—Any waiver, refund, credit or other reduction in the registration service fee shall not exceed 75 percent of the registration service fee.

''(H) COLLECTION OF UNPAID FEES.—In any case in which the Administrator does not receive payment of a registration service fee (or applicable portion of the registration service fee) by the date that is 30 days after the fee is due, the fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.''.

(b) AMOUNT OF FEES.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pesticide Registration Improvement Act of 2003'' and inserting ''Pesticide Registration Improvement Renewal Act''; and

(B) in subparagraph (B), by striking ''S11631'' and all that follows through the end of the subparagraph and inserting ''S10409 through S10411, dated July 31, 2007.''; and

(2) by striking paragraph (6) and inserting the following:

''(6) FEE ADJUSTMENT.—

''(A) IN GENERAL.—Effective for a covered pesticide registration application received during the period beginning on October 1, 2008, and ending on September 30, 2010, the Administrator shall increase by 5 percent the registration service fee payable for the application under paragraph (3).

''(B) ADDITIONAL ADJUSTMENT.—Effective for a covered pesticide registration application received on or after October 1, 2010, the Administrator shall increase by an additional 5 percent the registration service fee in effect as of September 30, 2010.

''(C) PUBLICATION.—The Administrator shall publish in the Federal Register the revised registration service fee schedules.''.

(c) WAIVERS AND REDUCTIONS.—Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(7)(F)) is amended—

(1) in clause (ii), by striking ''all'' and inserting ''75 percent''; and

(2) in clause (iv)(II), by striking ''all'' and inserting ''75 percent of the applicable.''.

(d) REFUNDS.—Section 33(b)(8)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(8)(A)) is amended by striking ''10 percent'' and inserting ''25 percent.''.

(e) PESTICIDE REGISTRATION FUND.—Section 33(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)) is amended—

(1) in paragraph (1)(B), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) in paragraph (3)—

(A) by striking subparagraph (B) and inserting the following:

''(B) WORKER PROTECTION.—

''(i) IN GENERAL.—For each of fiscal years 2008 through 2012, the Administrator shall use approximately 1/17 of the amount in the Fund (but not less than $1,000,000) to enhance scientific and regulatory activities relating to worker protection.

''(ii) PARTNERSHIP GRANTS.—Of the amounts in the Fund, the Administrator shall use for partnership grants—

''(I) for each of fiscal years 2008 and 2009, $750,000; and

''(II) for each of fiscal years 2010 through 2012, $500,000.

''(iii) PESTICIDE SAFETY EDUCATION PROGRAM.—Of the amounts in the Fund, the Administrator shall use $500,000 for each of fiscal years 2008 through 2012 to carry out the pesticide safety education program.''; and

(B) by striking subparagraph (C); and

(3) in paragraph (5)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(B) by striking ''Amounts'' and inserting the following:

''(A) IN GENERAL.—Amounts''; and

(C) by adding at the end the following:

''(B) USE OF INVESTMENT INCOME.—After consultation with the Secretary of the Treasury, the Administrator may use income from investments described in clauses (ii) and (iii) of subparagraph (A) to carry out this section.''.

(f) ASSESSMENT OF FEES.—Section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(d)(2)) is amended by striking ''For fiscal years 2004, 2005 and 2006 only, registration'' and inserting ''Registration''.

(g) DECISION REVIEW TIMES.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(1) in paragraph (1), by striking ''Pesticide Registration Improvement Act of 2003'' and inserting ''Pesticide Registration Improvement Renewal Act'';

(2) in paragraph (2), by striking ''S11631'' and all that follows through the end of the paragraph and inserting ''S10409 through S10411, dated July 31, 2007.''; and

(3) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) COMPLETENESS OF APPLICATION.—

''(i) IN GENERAL.—Not later than 21 days after receiving an application and the required registration service fee, the Administrator shall conduct an initial screening of the contents of the application in accordance with clause (iii).

''(ii) REJECTION.—If the Administrator determines under clause (i) that the application does not pass the initial screening and cannot be corrected within the 21-day period, the Administrator shall reject the application not later than 10 days after making the determination.

''(iii) REQUIREMENTS OF SCREENING.—In conducting an initial screening of an application, the Administrator shall determine whether—

''(I)(aa) the applicable registration service fee has been paid; or

''(bb) at least 25 percent of the applicable registration service fee has been paid and the application contains a waiver or refund request for the outstanding amount and documentation establishing the basis for the waiver request; and

''(II) the application contains all the necessary forms, data, and draft labeling, formatted in accordance with guidance published by the Administrator.''.

(h) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(1) in paragraph (1), by striking ''March 1, 2009'' and inserting ''March 1, 2014''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (ii) through and (iv) as clauses (v) through (vii), respectively;

(ii) by inserting after clause (i) the following

''(ii) the number of label amendments that have been reviewed using electronic means;

''(iii) the amount of money from the Reregistration and Expedited Processing Fund used to carry out inert ingredient review and review of similar applications under section 4(k)(3);

''(iv) the number of applications completed for identical or substantially similar applications under section 3(c)(3)(B), including the number of such applications completed within 90 days pursuant to that section;''; and

(iii) in clause (vi) (as redesignated by clause (i))—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(IV) providing for electronic submission and review of labels, including process improvements to further enhance the procedures used in electronic label review; and

''(V) the allowance and use of summaries of acute toxicity studies; and'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(D) a review of the progress in carrying out section 3(g), including—

''(i) the number of pesticides or pesticide cases reviewed;

''(ii) a description of the staffing and resources relating to the costs associated with the review and decision making relating to reregistration and registration review for compliance with the deadlines specified in this Act;

''(iii) to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for—

''(I) process improvements in the handling of registration review under section 3(g);

''(II) providing for accreditation of outside reviewers and the use of outside reviewers in the registration review process; and

''(III) streamlining the registration review process, consistent with section 3(g);

''(E) a review of the progress in meeting the timeline requirements for the review of antimicrobial pesticide products under section 3(h); and

''(F) a review of the progress in carrying out the review of inert ingredients, including the number of applications pending, the number of new applications, the number of applications reviewed, staffing, and resources devoted to the review of inert ingredients and recommendations to improve the timeliness of review of inert ingredients.''.

(i) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) in paragraph (1), by striking ''2008'' and inserting ''2012''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''2009'' and inserting ''2013''; and

(ii) by striking ''2009'' and inserting ''2013''; and

(B) in subparagraphs (B) and (C)—

(i) in the subparagraph headings, by striking ''2010'' each place it appears and inserting ''2014''; and

(ii) by striking ''2010'' each place it appears and inserting ''2014''; and

(C) in subparagraph (D), by striking ''2008'' each place it appears and inserting ''2012''.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2007.

AUTHORIZING SAGINAW CHIPPEWA TRIBE OF INDIANS TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2952, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2952) to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2952) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING COQUILLE INDIAN TRIBE TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2863, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2863) to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2863) was ordered to a third reading, was read the third time, and passed.

NATIONAL INFRASTRUCTURE IMPROVEMENT ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 775.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 775) to establish a National Commission on the Infrastructure of the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Infrastructure Improvement Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.

Not later than 90 days after the date on which the report under section 4(c) is submitted to Congress by the Commission, the Congressional Budget Office shall review the report and submit a report on the results of the review to—

(1) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate; and

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 10, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 9. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to, the substitute amendment, as amended, be agreed to, the motions to reconsider be laid upon the table, en bloc, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2648) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 775) was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES PLACED ON THE CALENDAR—S. 1927 AND H.R. 2831

Mr. PRYOR. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for the second time en bloc.

The legislative clerk read as follows:

A bill (S. 1927) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

A bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Mr. PRYOR. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1974

Mr. PRYOR. Mr. President, I understand that S. 1974, introduced earlier today by Senator KENNEDY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

Mr. PRYOR. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

ORDERS FOR FRIDAY, AUGUST 3, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, August 3; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders be reserved for their use later in the day; that the Senate then proceed to executive session, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, I wish everyone a good night, and if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:33 p.m., adjourned until Friday, August 3, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

DENNIS W. CARLTON, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED.

FEDERAL MARITIME COMMISSION

CARL B. KRESS, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2011, VICE STEVEN ROBERT BLUST, RESIGNED.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF STATE

JOHN A. GASTRIGHT, OF SOUTH CAROLINA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES COORDINATOR FOR AFGHANISTAN, DEPARTMENT OF STATE.

MARGARET SPELLINGS, OF TEXAS, TO BE DESIGNATED A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2010. (REAPPOINTMENT)

JULIE FISHER CUMMINGS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2011, VICE WILLIAM A. SCHAMBRA, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009, VICE MARC RACICOT, TERM EXPIRED.

TOM OSBORNE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE CYNTHIA BOICH, TERM EXPIRING.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

DEPARTMENT OF JUSTICE

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE, VICE DIANE M. STUART, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TED F. BOWLDS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID N. BLACKLEDGE, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH D. JONES, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CARL V. MAUNEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. GARY ROUGHEAD, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM H. SNEEDER, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DWAYNE S. TUPPER, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SUZANNE R. TODD, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RALPH C. BEATON, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KRISTEN M. BAUER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be major

JOSE M. TORRES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RICHARD D. ARES, 0000
GARRETT R. BAER, 0000
JOHN E. BALSER, 0000
EARL G. BENSON, 0000
CHRISTINE J. BIGHAM, 0000
WILLA R. BOBBITT, 0000
BONNIE B. EILAT, 0000
SARAH L. FLASH, 0000
MATTHEW B. GARBER, 0000
STEPHEN L. GOFFAR, 0000
DIANNE T. HELINSKI, 0000
JULIE K. HUDSON, 0000
DANNY J. MCMILLIAN, 0000
TIMOTHY L. PENDERGRASS, 0000
ALLYSON E. PRITCHARD, 0000
SHAWN J. SCOTT, 0000
SCOTT W. SHAFFER, 0000
WILLIAM C. WERLING, 0000
PATRICIA M. WILLIAMS, 0000
YVETTE WOODS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KENNETH E. DESPAIN, 0000
THOMAS A. EGGLESTON, 0000
STEPHEN A. FELT, 0000
JAMES F. KOTERSKI, 0000
FELICIA D. LANGEL, 0000
CHRISTOPHER J. LANIER, 0000
JULIO C. MONTERO, 0000
RICHARD J. PROBST, 0000
PEDRO J. RICO, 0000
TIMOTHY SETTLE, 0000
CHERYL D. SOFALY, 0000
THOMAS J. STEINBACH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARVELLA BAILEY, 0000
TRACY L. BAKER, 0000
JEAN M. BARIDO, 0000
CORINA M. BARROW, 0000
DEBORAH L. BELANGER, 0000
ANNE C. BROWN, 0000
TERRY J. BROWN, 0000
JOSEPH T. CABELL, 0000
RONALD M. CASHION, 0000
RANDEL C. CASSELS, 0000
NAOMI S. CHILDRES, 0000
THOMAS R. COE, 0000
LYNN C. COLLINS, 0000
JENIFER M. CONSTANTIAN, 0000
MICHAEL R. COOPER, 0000
KATHLEEN F. CURRAN, 0000
GWENDOLYN L. DAVIS, 0000
DIANE S. DIEHL, 0000
PROSPERO C. DONAN, JR., 0000
LAURA L. FEIDER, 0000
MARY E. FREYLING, 0000
PABLITO R. GAHOL, 0000
KIMBERLY S. GARCIA, 0000
CHARLINE GEREPKA, 0000
CHAD B. GOODERHAM, 0000
MONTEZ GORRELLGOODE, 0000
JOHN H. GOURLEY, 0000
HEATHER B. GUESS, 0000
ROBERT G. HARMON, 0000
EULYNNE HARRISON, 0000
JUDITH M. HAWKINS, 0000
SHARON M. HEBERER, 0000
JENNIFER D. HINES, 0000
KAREN A. HUTCHINS, 0000
JENNIE M. IRIZARRY, 0000
ANDREA R. JACKSON, 0000
SHELLEY B. JAMES, 0000
LOUISE D. JOHNSON, 0000
VERNELL JORDAN, 0000
CLAIRE A. JOSEPH, 0000
NICOLE L. KERKENBUSH, 0000
JANET R. KROPF, 0000
BRUCE R. LANUM, 0000
LINDA A. LAPOINTE, 0000
PAUL F. LARUE, 0000
MARC A. LEWIS, 0000
DARYL J. MAGOULICK, 0000
LEONARDO M. MARTINEZ, 0000
LEIGH K. MCGRAW, 0000
SANDRA N. MCNAUGHTON, 0000
SUSAN R. MEILER, 0000
ELIZABETH A. MURRAY, 0000
ROBIN L. ODELL, 0000
JAMES L. PERRINE, 0000
BETH J. PETTITWILLIS, 0000
DEBORAH M. PINATHOMAS, 0000
PATRICK B. POLK, 0000
RICHARD M. PRIOR, 0000
ANGELA C. QUINTANILLA, 0000
DAVID C. RINALDI, 0000
NANCY A. SADDLER, 0000
KRYSTAL R. SCOFIELD, 0000
CHAD M. SEKUTERA, 0000
SONYA C. SHAW, 0000
AMELIA M. SMITH, 0000
ROBIN L. SMITH, 0000
MARGARET S. SOBIECK, 0000
CARMEN A. STELLA, 0000
MICHELE R. STONE, 0000
KATHERINE E. TAYLOR, 0000
COMBS D. UPSHAW, 0000
VERONICA A. VILLAFRANCA, 0000
ELIZABETH A. WALL, 0000
TRACY S. WALLACE, 0000
FRANCES K. WARD, 0000
KENDRA P. WHYATT, 0000
GAYLA W. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CARA M. ALEXANDER, 0000
PATRICIA J. ALLEN, 0000
BRIAN ALMQUIST, 0000
CHARLES A. ASOWATA, 0000
SHAUN M. BAILEY, 0000
STEPHEN A. BARNES, 0000
BEVERLY A. BEAVERS, 0000
DONNA E. BEED, 0000
GRETA L. BENNETT, 0000
WILLIAM J. BETTIN, 0000
LEE W. BEWLEY, 0000
KEVIN M. BONDS, 0000
JOSE A. BONILLA, 0000
CHADWICK A. BOWERS, 0000
LAURA E. BOWERS, 0000
SONYA R. BROWN, 0000
DAVID J. BROYHILL, 0000
JENNIFER B. CACI, 0000
CHERYL Y. CAMERON, 0000
WEYMAN E. CANNINGTON, 0000
PEDRO A. CASAS, 0000
JOHN J. CASEY III, 0000
CHRISTOPHER P. COLEY, 0000
MARY L. CONNELL, 0000
DEREK C. COOPER, 0000
ANTONIO E. COPELAND, 0000
ROBERT S. CORNES, 0000
ANDREW J. CORROW, 0000
BRIAN D. CRANDALL, 0000
ELLEN S. DALY, 0000
SWARTE V. DE, 0000
RALPH W. DEATHERAGE, 0000
MARK W. DICK, 0000
CORRINA A. DIXON, 0000
MARK J. DOLE, 0000
PETER N. EBERHARDT, 0000
AUSTIN W. ELLIOTT, 0000
LAURA M. ELLIOTT, 0000
DERRICK W. FLOWERS, 0000
RONALD S. FOLEY, 0000
CAROLYN E. FOTA, 0000
DAVID J. FUGAZZOTTO, JR., 0000
HAROLD J. GEOLINGO, 0000
DAVID R. GIBSON, 0000
CHERYL B. GOGGINS, 0000
MARJORIE A. GRANTHAM, 0000
ANTHONY L. GREEN, 0000
MICHELLE S. GREENE, 0000
CHRISTOPHER A. GRUBER, 0000
KURT A. GUSTAFSON, 0000
SAM E. HADDAD, JR., 0000
HERMAN HAGGRAY, JR., 0000
KELLY M. HALVERSON, 0000
JAMES A. HAWKINS, JR., 0000
MICHAEL D. HEATH, 0000
MARK L. HOHSTADT, 0000
HENRY E. HOLLIDAY III, 0000
WILLIAM G. HOWARD, 0000
ROBERT F. HOWE, 0000
TIMOTHY D. HOWER, 0000
STEPHEN R. INNANEN, 0000
MARK A. IRELAND, 0000
SUPING JIANG, 0000
WILLIAM D. JUDD, 0000
BRADLEY J. KAMROWSKIPOPPEN, 0000
SHERYL K. KENNEDY, 0000
GREGORY L. KIMM, 0000
ROBERT A. KNEELAND, 0000
ERICH K. LEHNERT, 0000
ROBERT A. LETIZIO, 0000
STEVE J. LEWIS, 0000
BRADLEY A. LIEURANCE, 0000
ERIC M. MAROYKA, 0000
THOMAS M. MARTIN, 0000
ANTHONY L. MCQUEEN, 0000
ROBERT D. MON, 0000
TROY E. MOSLEY, 0000
STEPHEN C. MOSS II, 0000
GERMAINE D. OLIVER, 0000
MACK C. OQUINN, JR., 0000
TERRY G. OWENS, 0000
MEE S. PAEK, 0000
PATRICK J. PIANALTO, 0000
JASON G. PIKE, 0000
ANDRE R. PIPPEN, 0000
CHRISTOPHER W. RICHARDS, 0000
ROBERT S. RICHARDS, 0000
JEFFERY F. RIMMER, 0000
ERIK G. RUDE, 0000
THOMAS R. RYLANDER, JR., 0000
CLINTON W. SCHRECKHISE, 0000
LOUIS J. SCHWARTZ, 0000
SHONNEIL W. SEVERNS, 0000
MAURICE L. SIPOS, 0000

DARIA J. SMITH, 0000
JOHN V. SMITH, 0000
ERIC B. SONES, 0000
PORTIA C. SORRELLS, 0000
MELLISSA R. STANFABREW, 0000
WILLIAM F. STARNES, 0000
KERRY J. SWEET, 0000
BRUCE C. SYVINSKI, 0000
LAURA A. THOMAS, 0000
DAVID M. THOMPSON, 0000
TONY N. TIDWELL, 0000
MARGA TOILLIONSTEFFENSMEIE, 0000
LAURA R. TRINKLE, 0000
RONALD C. VANROEKEL, 0000
KEITH A. WAGNER, 0000
RONALD D. WALKER, 0000
TRAVIS W. WATSON, 0000
RICHARD M. WEBB, 0000
ROBIN M. WHITACRE, 0000
THOMAS S. WIECZOREK, 0000
KRISTIN K. WOOLLEY, 0000
D0000
D0000
D0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RONNIE M. CITRO, 0000

EXTENSIONS OF REMARKS

IN HONOR OF TEXAS DISTRICT 22 INTERNS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, interns are often overlooked as we all rush around the Capitol, but I believe that Washington, DC, would come to a halt if there were none. The importance of the interns' role cannot be overstated, for they handle many tasks that, while not particularly glamorous, create a much more efficient workplace and allow legislative staffers to concentrate on policies that benefit our constituents and people across the country.

This summer, my office was fortunate enough to have six great interns: Sue Banerjee, Kelly Boss, Omar Farid, Miles Hilder, Jenna Kubecka, and Kelsey McDowell. Each intern performed exceptionally well and deserves much appreciation for their service to the people of Texas' 22nd Congressional District. Their hard work and determination was noticed by everyone in the office, as well as by constituents, and I am proud to have such a talented and competent group of individuals working in my office. I know that the work ethic they have demonstrated this summer will carry them far in life.

These impressive young men and women are certainly poised to do great things and contribute significantly to our country's future. My staff, constituents, and I thank you all for your service and wish you the best in your future endeavors.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HAYES. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 30, 2007—Rollcall vote 758, I would have voted "yea;" Rollcall vote 759, I would have voted "nay;" Rollcall vote 760, I would have voted "nay;" Rollcall vote 761, I would have voted "nay;" Rollcall vote 762, I would have voted "nay."

July 31, 2007—Rollcall vote 763, I would have voted "yea;" Rollcall vote 764, I would have voted "yea;" Rollcall vote 765, I would have voted "yea."

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support, of H. Con: Res. 188, which condemns the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. This attack reduced the 7-story headquarters of the Argentinean Jewish community to rubble and resulted in 85 deaths and 300 wounded. Everyday, Jews around the world face the injustice of anti-Semitism, and many have lost their lives because of bigotry.

This resolution condemns the attacks but also applauds the government of Argentina for increasing the pace of the continuing investigation of this attack. It is important that we support this resolution to encourage Argentina to continue to provide the resources necessary for its judicial system and intelligence agencies to fully investigate the AMIA case and bring those responsible to justice.

When we as individuals or as a government allow intolerance and hatred to fester and flourish, we are faced with terrible consequences. Put simply, intolerance must not be tolerated.

I urge my colleagues to support this legislation.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

SPEECH OF

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes:

Mr. PETERSON of Minnesota. Mr. Chairman, the attached language was inadvertently omitted from H. Rept. 110–256, in regard to Country of Origin Labeling, to H.R. 2419, the Farm, Nutrition and Bioenergy Act of 2007.

COUNTRY OF ORIGIN LABELING FOR MEAT AGREEMENT

The Committee recognizes that the issue of Country of Origin Labeling for meat has become increasingly contentious. With implementation of the statute enacted in the Farm Security and Rural Investment Act of 2002 looming, the Committee leadership requested that representatives of the various interested parties discuss opportunities to resolve issues of division. These discussions resulted in general agreement on aspects of the law which could be modified to achieve the goals of: improving marketability of meat products; providing consumers the information they may seek with regard to the origin of meat products; and, doing so in a manner which minimizes the cost of compliance on livestock producers and the meat trade.

During consideration of H.R. 2419, the Committee was presented with a list of items that were agreed upon by the various interested parties. The list included suggestions to improve the statute with regard to issues including product labels, records, and recordkeeping.

With regard to product labeling, the Committee adopted amendments to Section 281 of the Agricultural Marketing Act of 1946 that would establish four categories of country of origin labels for meat. The legislative language outlining these categories is self-explanatory.

Another area of concern was labeling of ground meat products. The amendment adopted by the Committee provides that the label will include a narrative list of reasonably possible countries from which the product may have been derived.

While the Committee recognizes the interest in providing consumers with information regarding the origin of their meat products, the Committee also recognizes the potential cost associated with complying with any label mandate. As such, the Committee has adopted a grandfather provision to address concerns about the transition.

With regard to requirements for records and recordkeeping, the Committee has adopted provisions that will enable less burdensome verification requirements. Specifically, the Committee has adopted an amendment that will place limits on the authority of the United States Department of Agriculture (USDA) to audit covered entities. To further shield all parties from liability, the amendment limits the records upon which these USDA audits may rely. By limiting these records to those kept as part of a normal business practice, it is the intent of the Committee that retailers and other covered entities will not impose unnecessary or burdensome obligations on their suppliers.

The final item of agreement dealt with the issues of liability and enforcement. The amendment adopted by the Committee will limit the applicability of civil penalties to a covered entity that has not made an effort to comply and continues to willfully violate this section. The Committee specifically intends that violations resulting from a good faith effort to come into compliance shall not be subject to civil penalties.

DR. MOSSMAN NOMINATED AS SUPERINTENDENT OF THE YEAR OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, knowledge is one of the greatest gifts teachers bestow upon students. They play invaluable roles in nurturing and giving young people the

encouragement to grow and develop into productive members of society. We see the fruits of their patience and selfless dedication every day in our children and in ourselves. Building a cohesive relationship between teachers and the administration in charge of managing their school district is essential to extracting the most from our talented educators.

This is why I am honored to recognize Dr. Sandra Mossman's contribution to the Clear Creek Independent School District. She has been nominated to receive the 2007 Superintendent of the Year Award given annually since 1984 by the Texas Association of School Boards in Austin. The award is adjudicated based on several criteria relating to the efficient administration of education in the district and is determined by an elected board of members representing over 4.5 million students. She represents one of 17 regional superintendents around the state who have been acknowledged for their outstanding leadership skills and commitment to education. Dr. Mossman has been an innovative superintendent, pursuing initiatives that diversify the educational experiences of her students. She was instrumental in introducing the Early College in High School track that would allow high school students to take classes at a local college and even receive a 2-year college degree after fulfilling all their requirements. This is just one example of Dr. Mossman's important role in raising the standards of education for our children, and I certainly hope she will be recognized for her efforts at the TASB Convention in late August in Dallas. I am sure she will continue to inspire and lead young people and her colleagues alike to strive for the highest goals when examining education in this country.

As noted historian Henry Adams once said, "A teacher affects eternity; they can never tell where their influence stops." It is a thought that should motivate all of us to follow the shining example Dr. Mossman has set of what it means to be a committed leader in education in Texas.

HONORING HOPE FOR VISION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize an organization which is leading the fight against vision loss. Hope for Vision was founded to assist individuals dealing with the loss of vision, and to raise much needed funding for scientific research on retinal degenerative and other blinding diseases, so that future generations will not have to cope with this tragic issue.

I have the distinct pleasure and honor of being involved in this wonderful organization, and serve as an honorary member of the Board of Advisors. I also am proud to call several integral members of this organization including the Lidsky family, my friends. I have known Carlos and Betty Lidsky for many years and their son, Isaac, an attorney here in Washington, serves as the Chairman and President of Hope for Vision.

At the age of 12, Isaac was diagnosed with retinitis pigmentosa, a retinal degenerative disorder. However, this did not slow Isaac down. He attended New World School of the Arts in Miami before receiving a bachelor's and law degree from Harvard University. While at Harvard, he met his wife, Dorothy, who has become a passionate advocate for the vision-impaired.

This family has been deeply impacted with degenerative retinal diseases and they have fought to ensure this horrible condition receives the proper attention and research needed to find a cure. Their tenacity and courage in the face of such adversity and heartbreak is commendable. Inspired by their dedication and hard work, we are working towards a cure.

The Lidsky family has always been an outspoken advocate to raise awareness for issues surrounding inherited vision diseases. Vision loss is a problem which affects millions of Americans. More than 80 million Americans have a potentially blinding eye disease: 3 million have low vision; 1.1 million are legally blind; and an additional 200,000 are severely visually impaired. However, research efforts into vision loss and blindness have already started to pay dividends. For example, scientists have provided vision to the blind through microchip technologies, and clinical trials have started with pharmaceutical treatments to combat vision loss.

Research grants provided by Hope for Vision are providing our scientists with much needed funding to further progress on these initiatives. An example of this progress is the partnership between Hope for Vision and the Bascom Palmer Eye Institute, located at the University of Miami in my Congressional District. These two organizations have teamed up to provide the best vision care possible for South Floridians by advancing research and treatment capabilities with two new innovative programs. With the help of the Department of Defense, they have developed the Miami Project for Ophthalmic Innovation to use the remarkable military technological advances to bring new therapies to patients. The goal of this project is to bring together ideas and people from diverse backgrounds to implement research projects aimed at enhancing military ocular health capabilities. It will directly benefit our brave men and women serving in uniform, our veterans, as well as the millions of other Americans who suffer from blinding eye trauma and disease.

Another initiative is the newly-created Center for Hereditary Retinal Diseases at Bascom Palmer, which owes its very existence to Hope for Vision. Its goal is to identify every individual in the state of Florida with an inherited eye disease and to provide them with genetic testing, counseling, and innovative treatments.

Bascom Palmer Eye Institute is recognized as one of the world's finest and most progressive centers for eye care, research and education. This year, U.S. News & World Report's survey rated Bascom Palmer the Number 1 eye hospital in the country. Its dedicated staff provides excellent vision care to more than 200,000 patients annually at their facilities across South Florida.

I am also proud to be a founding member and co-chair of the Congressional Vision Caucus. This organization is a bipartisan coalition dedicated to strengthening and stimulating a national dialogue and policy on vision-related problems and disabilities. Our responsibility is to raise awareness about the increasing number of Americans at risk for age-related diseases, preserve and protect eyesight, and ensure adequate resources are directed towards the research, prevention and treatment of eye disease.

I have worked together with my colleagues in the South Florida Congressional delegation to ensure that Hope for Vision has the funds necessary to continue their work to discover treatments and cures for degenerative retinal diseases. As the baby boom generation reaches retirement age, vision loss will become an increasingly familiar issue for many American families.

Once again, I would to congratulate Hope for Vision on its successes, and look forward to working with this organization as it continues to address an issue of growing importance.

COMMENDING THE FEMALE SOCCER PLAYERS OF THE NORTH JERSEY ALL-STARS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to New Jersey's 18 newest young ambassadors, the female soccer players of the North Jersey All-Stars. Today, they will set off from JFK Airport in New York for a two-week trip of good will and sportsmanship on the East Coast of Brazil.

While in the coastal cities of Sao Mateus and Jaguare, the team of soccer superstars will play five games with local players, will deliver more than $15,000 in donated soccer equipment and sportsgear, and will spread a message of friendship to the people of Brazil. While most Americans traveling to Brazil, spend their days and nights in the touristy resorts, like Rio de Janeiro, these girls will be visiting a more remote and isolated, and far less wealthy, region.

These high school-aged soccer players will be accompanied by their manager, David Heitman; trainers, Karen Hartigan and Phil Ross; and a local reporter, Brian Farrell. They will also be traveling with their coach, former professional soccer player, Roberto Ferman. The North Jersey All-Stars are: Zoey Talias of Wyckoff, Anna Rothschild of River Edge, Ashley Walker of Mahwah, Nicolle Sanchez of Lyndhurst, Amanda Soto of Mahwah, Faith Tucker of Rutherford, Lexi Hutton of Basking Ridge, Christy Shedlock of North Haledon, Katy Generelli of Spotswood, Karen Schoepflin of Oakland, Brielle Heitman of Mahwah, Janelle Biagini of Wyckoff, Kelly TenEyck of Mahwah, Brooke Bandazian of Wyckoff, Chelsea Marie Wuesthoff of Ironia, Sarah Royse of Northvale, Catherine Wolff of Wyckoff, Mimi Kocela of Waldwick.

I commend these young women for their dedication to their sport and for their efforts to use that sport to spread a message of good will and sportsmanship overseas.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. CLARKE. Madam Speaker, On rollcall No. 763, I was unavoidably absent. Had I been present, I would have voted ''yea.'' On rollcall No. 764, I would have voted ''yea.'' On rollcall No. 765, I would have voted ''yea.'' On rollcall No. 766, I would have voted ''nay.'' On rollcall No. 767, I would have voted ''yea.'' On rollcall No. 768, I would have voted ''yea.'' On rollcall No. 769, I would have voted ''yea.'' On rollcall No. 770, I would have voted ''nay.'' On rollcall No. 771, I would have voted ''yea.'' On rollcall No. 772, I would have voted ''yea.'' On rollcall No. 773, I would have voted ''yea.'' On rollcall No. 774, I would have voted ''yea.'' On rollcall No. 775, I would have voted ''present.'' On rollcall No. 776, I would have voted ''nay.'' On rollcall No. 777, I would have voted ''yea.'' On rollcall No. 778, I would have voted ''yea.''

IN HONOR OF UNIVERSITY OF HOUSTON SCIENCE AND PHYSICS PROGRAMS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LAMPSON. Madam Speaker, it is with great pleasure that I introduce a new opportunity for future physicists in Southeast region of Texas. In a collaborative effort, the University of Houston and University of Houston–Clear Lake (UHCL) are implementing a unique program for UHCL students pursuing a Masters of Science in Physics, who wish to continue in the University of Houston's Ph.D. Program.

The program is tailored towards motivated students looking to advance their education in the field of physics. This newly established relationship offers the attainment of a doctoral degree at both campuses, as opposed to the previous arrangement that required students to commute to the University of Houston campus. The faculty will consist of professors from both universities, and the doctoral degree will be presented by the University of Houston.

As a former science teacher, I have always valued education and research, and the potential benefits that arise from such hard work and dedication. This convenient initiative will not only enhance each student's performance, but will also mitigate the strains placed on students, teachers and their families by providing a more localized system in the Clear Lake area.

It is my belief that educational facilities should ensure that the needs of their students are a top priority. University of Houston–Clear Lake and University of Houston have shown that a cohesive approach to education may prove to be both efficient and successful. I hope this recognition will bring awareness to such a distinctive program and facilitate future relationships between universities.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. ALLEN. Madam Speaker, on July 31, 2007, I was unavoidably absent from the Capitol. Had I been present, I would have voted ''yes'' on rollcall vote No. 778, to sustain the ruling of the Chair of the Committee of the Whole in her ruling against Mr. SHADEGG of Arizona during debate on the McHenry Amendment to the Gingrey Amendment to H.R. 3161, the Agriculture Appropriations Bill.

I would have voted ''yes'' on rollcall vote No. 779, the Motion by the Majority Leader for the Committee of the Whole House to Rise from its consideration of H.R. 3161, the Agriculture Appropriations Bill.

HONORING DR. NELSON ADAMS: PRESIDENT, NATIONAL MEDICAL ASSOCIATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to offer my congratulations to Dr. Nelson Adams. On August 7, 2007, Dr. Nelson Adams will be installed as the 108th president of the 112-year-old National Medical Association during their annual convention and scientific assembly in Honolulu, Hawaii. The National Medical Association (NMA) promotes the collective interests of physicians and patients of African descent by serving as the collective voice of physicians of African descent and as a leading force for parity in medicine, elimination of health disparities, and promotion of optimal health. Dr. Adams is the recipient of numerous awards and honors, including the Honorary Doctor of Laws, but to me his most important accomplishment is that he was the doctor who delivered my son Kendrick Meek, Jr.

Dr. Adams, a native of Miami, Florida and a product of its public school system, is a medical leader passionately committed to eliminating racial and ethnic inequality in health. He is regarded as an exceptional achiever, earning high recognition both scholastically and among medical peers. An esteemed alumnus of Howard University, Dr. Adams has been recognized in Who's Who in American Colleges and Universities. He earned his medical degree at Meharry Medical College, where he was named Student of the Year in his freshman class and served as President of the Meharry Chapter of the Student NMA. Dr. Adams completed his four-year residency in Obstetrics and Gynecology at Emory University in 1982. Prior to returning home to Miami, Dr. Adams practiced in Mobile, Alabama for three years, where he was a founding member of the Bay Area Medical Association, an affiliate society of the NMA.

A board certified obstetrician-gynecologist, Dr. Adams has a vibrant and challenging practice in North Miami-Dade County. He was the first African-American Chairman of the Department of Obstetrics and Gynecology and the first African-American Chief of Staff of North Shore Medical Center. In 1992, he founded the Maternal Child Health Initiative (MCHI), an award-winning model for providing care to at-risk, low-income, pregnant women.

Today, Dr. Adams is the Chairman of the Department of Obstetrics and Gynecology at Jackson North Medical Center and President of N.L. Adams, M.D. and Associates. He is also President and Chairman of Access Health Solutions (AHS), a managed care company providing services in 26 counties in Florida. Under Dr. Adams' leadership and through his keen focus on both access and quality, AHS has grown from humble beginnings to serving more than 94,000 beneficiaries with 525 healthcare providers.

Throughout his fruitful career, Dr. Adams' leadership and community service has reached across academic, religious, fraternal, and charity institutions. He is the past Chairman of the Executive Committee of the Greater Miami Region of the National Conference of Christian and Jews, a member of the prestigious Orange Bowl Committee, a member of the Board of Trustees of the Florida International University Foundation, Meharry Medical College, Barry University, The Children's Trust and until recently, the Miami Art Museum.

I am also proud to report that Dr. Adams and I are Members of the same fraternity, which we both consider the best fraternity in the country—Omega Psi Phi Fraternity, Inc. Additionally, he is a beloved and active member of the historic St. John Baptist Church where he serves as a Deacon and Chairman of the Board of the church's Community Development Corporation. Dr. Adams has held many positions of leadership in organized medicine at the local, state and national levels. He is the past President of the local and state NMA societies in Florida and has served as Vice President, Secretary of the House of Delegates, and member of the Board of Trustees of the NMA.

Dr. Adams has served on the board of directors of the DCMA for nearly 10 years, and is the past Treasurer, Secretary, Vice-President, and President-elect of this august body. In June 2007 he was installed as the 97th President of the Dade County Medical Association. Dr. Adams is the son of Naomi A. Adams and the late Nelson L. Adams, both of whom were educators in the Dade County School system. Dr. Adams is married to Effie Jones Adams and they are the proud parents of Victoria and Nelson. Sustained by family ties and guided by spiritual values, Dr. Adams abides by the motto: ''To whom much is given, much is required.''

NFL, MLB, NBA, NHL, AND NCAA OPPOSE SPORTS BETTING.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. TOWNS. Madam Speaker, I would like to call attention to a letter that I and my colleagues received this week from the professional and collegiate sports associations. It alerts us to the fact that, at this time when the reputation and integrity of American athletics are keenly threatened by gambling-related scandals, proposals to legalize and sanction

sports gambling are being advanced here in the House of Representatives.

I have long been concerned about protecting American athletics from the taint of gambling. I cosponsored the Professional and Amateur Sports Protection Act of 1992, when arrested the growth of state-sponsored sports betting. As Congress said then, "Sports gambling threatens to change the nature of sporting events from wholesome entertainment for all ages to devices for gambling. It undermines public confidence in the character of professional and amateur sports."

Now H.R. 2046 threatens to let offshore online gambling operators do through the backdoor what PASPA shut off to states through the front door. And the proponents of sports gambling are making the same arguments that they did in the early 1990s: legal sportsbooks have the technology and incentive to identify suspicious activity and prevent actual corruption of the game; people are going to gamble on sports anyway, so the government might as well capture tax revenue on the activity.

Congress rejected those arguments then, and they should reject them now. The fundamental issue has never been whether the technology existed to prevent abusive sports gambling. The fundamental issue is this: regardless of what happens between friends or on the black market, Congress should not be in the business of encouraging people to gamble on sports. And sports gambling should be off limits from further exploitation as a "revenue enhancer."

This is an essential principle, that gambling and sports do not mix. Even though H.R. 2046 says sports leagues can "opt out" of allowing gambling on their sport, Congress would still be sending the wrong message about sports gambling. Moreover, the sports associations have very serious concerns that the "opt-outs" could be struck down by U.S. courts or international tribunals, leaving their sports completely unprotected.

As their letter says, "the harms caused by government endorsement of sports betting far exceed the alleged benefits." Therefore, I will not support any movement on H.R. 2046 so long as it poses any threat to the integrity of American athletics.

Madam Speaker, I ask unanimous consent to place in the RECORD the letter signed by the General Counsels of the National Football League, Major League Baseball, National Basketball Association, National Hockey League, and National Collegiate Athletic Association.

JULY 30, 2007.

DEAR MEMBER OF CONGRESS: Sports betting is incompatible with preserving the integrity of American athletics. For many decades, we have actively enforced strong policies against sports betting. And the law on this point is consistent. Federal statutes bar sports betting, especially the 1961 Wire Act and the 1992 Professional and Amateur Sports Protection Act. Enforcement of these laws against sports betting was also a significant motive for enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).

Accordingly, we urge you to reject current proposals to legalize Internet gambling, such as H.R. 2046 sponsored by Rep. Barney Frank. This legislation reverses federal policy on sports betting and would for the first time give such gambling Congressional consent. The bill sends exactly the wrong message to the public about sports gambling and threatens to undermine the integrity of American sports.

On a related point, we believe the Congress should not consider any liberalization of Internet gambling until the U.S. Trade Representative successfully resolves our trade disputes in this area. A rush to judgment on this subject could result in irreversible damage to U.S. sovereignty in the area of gambling regulation, including the capacity to prohibit sports bets.

Though Internet gambling on sports has never been legal, easy access to offshore Internet gambling websites has created the opposite impression among the general public, particularly before Congress enacted UIGEA last fall. UIGEA emerged from more than a decade of Congressional consideration, in which stand-alone legislation aimed at restricting Internet gambling passed either the Senate or the House in each of five successive Congresses, each time by overwhelming bi-partisan votes. UIGEA also enjoyed a broad array of supporters, including 49 state Attorneys General and other law enforcement associations, several major financial institutions and technology companies, dozens of religious and family organizations, and of course our sports organizations.

Enactment of UIGEA was grounded on concerns about addictive, compulsive, and underage Internet gambling, unlawful sports betting, potential criminal activity, and the wholesale evasion of federal and state laws. When it passed the House a year ago, the vote was 317–93, including majorities of both caucuses and with the affirmative votes of both party leaders.

The final product was a law that did not change the legality of any gambling activity—it simply gave law enforcement new, effective tools for enforcing existing state and federal gambling laws. UIGEA and its predecessor bills could attract such consensus because they adhered to this principle: whether you think gambling liberalization is a bad idea or a good one, the policy judgments of State legislatures and Congress must be respected, not de facto repealed by deliberate evasion of the law by offshore entities via the Internet.

By contrast, H.R. 2046 would put the Treasury Department in charge of issuing licenses to Internet gambling operators, who would then be immunized from prosecution or liability under any Federal or State law that prohibits what the Frank bill permits. The bill would tear apart the fabric of American gambling regulation. By overriding in one stroke dozens of Federal and State gambling laws. this would amount to the greatest expansion of legalized gambling ever enacted.

This legislation contains an "opt-out" that appears to permit individual leagues to prohibit gambling on their sports. But regardless of the "opt-out," the bill breaks terrible new ground, because Congress would for the first time sanction sports betting. That is reason enough to oppose it. In addition, the bill's safeguard opt-out for sports leagues as well as the one for states may well prove illusory and ineffectual. They will be subject to legal challenge before U.S. courts and the World Trade Organization.

In addition, this legislation would dramatically complicate current trade negotiations concerning gambling. In 1994, the United States signed the General Agreement on Trade in Services, which included a commitment to free trade in "other recreational services." In subsequent WTO proceedings, the United States has claimed this commitment never included gambling services. The United States has noted that any such "commitment" would contradict a host of federal and state laws that regulate and restrict gambling. The WTO has not accepted this argument.

Accordingly, the U.S. Trade Representative has initiated negotiations to withdraw gambling from U.S. GATS commitments. Before withdrawal can be finalized, agreement must be reached on trade concessions with interested trading partners. Few concessions should be required because there was never a legal market in Internet gambling in the U.S. If Congress creates a legal market before withdrawal is complete, the withdrawal will become much more complicated and costly. Therefore, we oppose any legislation that would imperil the withdrawal process.

Finally, we have heard the argument that Internet gambling can actually protect the integrity of sports because of the alleged capacity to monitor gambling patterns more closely in a legalized environment. This argument is generally asserted by those who would profit from legalized gambling and the same point was raised in 1992 when PASPA was enacted. Congress dismissed it then and should dismiss it now. The harms caused by government endorsement of sports betting far exceed the alleged benefits.

H.R. 2046 sets aside decades of federal precedent to legalize sports betting and exposes American gambling laws to continuing jeopardy in the WTO. We strongly urge that you oppose it. Thank you for considering our views on this matter.

Sincerely,

RICK BUCHANAN, Executive, *VP and General Counsel, National Basketball Association.*

ELSA KIRCHER COLE, *General Counsel, National Collegiate Athletic Association.*

WILLIAM DALY, *Deputy Commissioner, National Hockey League.*

TOM OSTERTAG, *Senior VP and General Counsel, Major League Baseball.*

JEFFREY PASH, *Executive VP and General Counsel, National Football League.*

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, on rollcall No. 781, had I been present, I would have voted "aye."

SUPPORT OF THE COMMUNITY BROADBAND ACT OF 2007

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BOUCHER. Madam Speaker, I rise to introduce the Community Broadband Act of 2007 in which I am pleased to be joined by the gentleman from Michigan, Mr. UPTON. I appreciate his co-authorship of the measure and the steps we have taken together to construct the bill.

Our legislation will encourage the deployment of high speed networks by ensuring the ability of local governments to offer community broadband services.

Broadband has changed the way that people in our Nation live, work, transact business and obtain information. The ways people work and play today are fundamentally different from a decade ago, due in significant part to the growth and development of the Internet, faster and more efficient ways to access it and the broad new range of Internet based services now in common use.

But for our citizens to be able to reap the benefits of this transformation, they must have access to broadband, and the United States has fallen woefully behind other developed nations in its deployment. According to the most recent statistics released by the Organization for Economic Cooperation and Development, the United States has dropped from 12th in the world to 15th for broadband penetration. The nation that invented the Internet and today creates its most popular globally utilized applications can and for the sake of our national economy must do better than that.

Most of the areas in the U.S. that lack broadband are lightly populated rural regions. Almost 20 percent of households nationwide are not served by a broadband provider, and others are served by a single provider that may charge higher rates for the service given the absence of competition. In my district, for example, we have a county with a population of 16,000 people where the most populous town has 614 residents. That county has no broadband service. I represent dozens of small communities with populations measuring in the hundreds of people where broadband is absent. That pattern is replicated across rural America, and our current global standing is a reflection of it.

It is no surprise that building out broadband to such areas is a low priority for cable and telephone service providers, but that reality does not make broadband any less essential to the lives of unserved rural residents. If the commercial broadband providers are not willing to deploy in particular areas, local governments should be able to step in and fill the gap.

At the turn of the last century, when the private sector failed to provide electricity services to much of America, thousands of community leaders stepped forward to form their own electric utilities. At that time, opponents to municipally-operated electric utilities argued that local governments were not qualified to meet this task. They also argued that competition from the private sector would be hindered by the entry of municipalities into the market. Those arguments did not prevail because it was deemed to be in the public interest to deploy the then new ''essential infrastructure'' universally, and today we have thriving municipal electric utilities nationwide that have well served their localities for the past century .

I believe that broadband today is the new essential infrastructure. It is every bit as necessary today as electricity service was 100 years ago, and just as with electricity service 100 years ago, in many instances, the only entity willing to provide the service today is the local government.

The Community Broadband Act of 2007 ensures that local leaders can bring broadband technology to their communities, just as local leaders did with electricity a century ago. More than 14 States have passed laws restricting public communications services. The U.S. Supreme Court has upheld the power of States to enact these barriers. Our legislation removes the barriers. It leaves room for States to enact reasonable terms and conditions under which local governments can deploy broadband, but it overturns absolute bars to localities offering the service.

The bill includes competitive safeguards to ensure that public providers cannot abuse governmental authority by discriminating in favor of a public service to the disadvantage of private competitors.

Community broadband networks have the potential to create jobs and increase economic development, enhance market competition, and accelerate universal, affordable Internet access for all Americans. Let's give localities the freedom to create arrangements that work for them, whether they own the infrastructure and offer the service or whether they deploy the facilities and lease the lines to private service providers. The national interest requires that we harness the willingness of localities to elevate our world standing and to enrich the lives of their constituents and the economic prospects of local businesses that urgently need broadband services.

I encourage our colleagues to join Congressman UPTON and me in enacting the Community Broadband Act of 2007.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes:

Ms. DELAURO. Mr. Chairman, while I was very supportive of the great work that was done by House Agriculture Committee Chairman PETERSON on the farm bill, there is one provision that I have significant concerns about and I will work to ensure that the language is removed from the bill before it is enacted into law.

The farm bill contains language that would change the Federal Meat Inspection Act and the Poultry Products Inspection Act that would allow state inspected meat and poultry products to be sold in interstate commerce. Current law limits the sale of state-inspected meat and poultry products to the state in which they were produced. The stated purpose of the provision is to encourage the creation of new small meat and poultry processing businesses and give farmers new markets for their products. Because current law permits state-inspection programs but requires that they be ''equal to'' the federal program, supporters of this provision insist there would be no health risk in permitting state-inspected products to be sold any where.

However, do not be misled by the argument—the proposed change in the law would create a serious threat to public health and result in the serious weakening of the federal meat and poultry inspection programs. Instead of creating new markets for farmers, the reduced health standard that this provision would establish ultimately would reduce the market for all meat and poultry products.

There are no data to support the belief that federal inspection requirements are too onerous for small companies. In fact, thousands of small and very small meat and poultry plants in every single state operate successfully under the federal inspection process. There are currently 5,603 plants now under federal inspection, and 2,878 of those (51 percent) employ ten or fewer people. In addition, there are approximately 1,654 other plants that have between 10 and 50 employees.

While the federal inspection laws require that state inspection programs be equal to the federal program, based on reports by the USDA Office of Inspector General, plants subjected to state inspection may not be as clean and sanitary as federally inspected plants. In October 2006, the USDA Office of Inspector General published an audit of FSIS's oversight of state meat and poultry inspection programs that outlined how state inspection programs failed to meet sanitation standards. The report also found that FSIS was failing to hold states responsible for protecting public health by allowing meat plants in four states to continue to sell meat even after finding that the state programs were not meeting legal safety standards.

Although meat and poultry inspection laws require that state programs be equal to the federal program, USDA focuses its reviews of equivalence on state plans. So, while it is possible to have adequate inspection plans on paper, the USDA does not certify that each state inspected plant meets federal standards. The agency also does not return to these plants to determine that they are continuing to meet federal standards.

Mr. Chairman, you will be disturbed to learn that the USDA conducts a far more rigorous oversight of foreign plants that want to export meat to the U.S. than it does over state inspected plants. Before a plant in a foreign country can ship meat to the U.S., USDA must first determine that the foreign country's inspection program is ''equal to'' the U.S. program. Then, USDA must examine and certify as acceptable each individual plant that wants to ship meat or poultry to the U.S. There is no comparable requirement for state-inspected plants to be initially certified.

The U.S. Court of Appeals for the Sixth Circuit, rejected the state of Ohio's contention that the prohibition on interstate sale of state-inspected meat violated the Fifth and Tenth amendments to the U.S. Constitution. The court explained that the difference between federal, international and state inspection programs justified the limitations on the shipment of state inspected meat. They found that ''though the U.S. Department of Agriculture keeps an eye on state inspection programs, it keeps yet a closer eye on its own plants and on meat and poultry entering the country, and it is possible that a state program could deteriorate without the USDA's knowledge. This possibility provides a rational basis for Congress to restrict the interstate transport of state-inspected meat.''

Another important component of this issue to consider is that it would be extremely difficult for a state government to manage an effective recall of adulterated meat or poultry that has been shipped outside the state. The USDA and state governments do not possess mandatory recall authority, and recalls must be negotiated between the regulatory agency and the company. While a state meat inspection agency may direct a state-inspected plant

to undertake a recall, a state inspection program does not have the legal authority to travel to other states to assure a recall of meat and poultry products has been executed thoroughly.

The proposed language in the farm bill would have the unintended consequence of opening the door for a major exodus of meat and poultry plants from federal inspection to state inspection programs. The language would allow 80 percent of all federally inspected plants to be eligible to transfer from federal inspection to state inspection if the plant is in one of the 28 states that have an inspection program. This means that a federally inspected plant that is under pressure from a federal inspector to improve its sanitation practices could decide to transfer to the state inspection that might offer less stringent oversight.

Mr. Chairman, as you can see, this is a very critical food safety issue that needs to be addressed. A Democratic Congress cannot be responsible for jeopardizing our food supply and we must work to ensure that this provision is not enacted into law.

Last week, the Safe Food Coalition sent a letter that outlined the concerns on this issue in greater detail. I ask that the letter be included in the RECORD.

JULY 25, 2007.

DEAR REPRESENTATIVE: The undersigned members of the Safe Food Coalition and the American Federation of Government Employees strongly oppose the state-inspected meat and poultry provisions in the ''Farm Bill,'' H.R. 2419. These provisions would lower food safety standards and increase the risk of food poisoning in the U.S. They would encourage the least responsible and competent meat and poultry federally inspected processors to escape the rigorous safety enforcement of federal inspectors and search for more ''understanding'' and ''flexible'' enforcement by state inspectors.

The provisions amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit meat and poultry products inspected by state inspectors to be sold in interstate commerce. The goal, according to supporters, is to ''create new markets for state-inspected meat'' which they say would encourage the start-up of new, small meat and poultry processing companies that would compete with giant international slaughter and processing companies and offer farmers better prices. We agree that both farmers and consumers might benefit from increased competition in meat and poultry processing, but we reject the assumption that new companies and competition must be encouraged by dismantling the federal inspection system, reducing food safety standards, and raising the risk of foodborne illness.

These provisions do not permit states to establish higher food safety standards. Federal meat and poultry laws pre-empt the states from raising standards. USDA's Inspector General reports that the Department has not closed state programs that fail to provide safety protection ''equal to'' federal standards.

The provisions affect federal, as well as state, inspected meat and poultry plants. They would make 80 percent of all federally inspected meat and poultry processing plants—4,532 of 5,603 plants—eligible to switch from federal inspection to the more ''business-friendly'' state inspection. With that change, if a federal inspector pressures a meat packer to improve sanitation, the packer could instead try to negotiate a more understanding regulatory response from his state inspection program. It is not surprising that both the American Meat Institute and the National Meat Association, whose members are federally inspected plants, have signed off on this language despite the authors' claims that it creates new competition for them.

A major exodus from federal to state inspection programs would not only threaten food safety but would also adversely affect thousands of federal inspection employees, contributing to a loss of federal inspection positions. Their loss would hurt American consumers who have benefited from the work of well-trained federal inspectors, all sworn to protect the public's health, who have, for over 40 years, been an important part of the nation's public health protection structure.

The provisions would also unleash lobbying campaigns to set up state inspection programs in the 22 states that currently do not have them so plants in those states can also seek ''more understanding'' enforcement of food safety laws under state programs.

Thousands of very small plants thrive under federal inspection. Fifty-one percent of all federally inspected plants (2,878 of 5,603) have 10 or fewer employees and 80 percent have 50 or fewer employees. These federally inspected small operations comply with federal inspection and make a profit. We do not support providing an unfair advantage to small companies who don't or can't make the commitments necessary to comply with federal food safety requirements.

The USDA Office of Inspector General reports that plants subject to state inspection may not be as clean and sanitary as federally inspected plants. In 1994 the IG said, ''state programs are weak in policing plant sanitation and the federal government is weak in following up to make sure deficiencies in the state inspection system are fixed.''

In October 2006, the OIG released an audit of state inspection that included stomach turning examples of state inspection programs failing to meet basic sanitation requirements and of FSIS failing to hold states responsible for protecting public health.

The OIG reported that FSIS visited 11 meat plants in Mississippi in October 2003. None of the plants met all HACCP requirements. FSIS reported that cutting boards in one plant were heavily contaminated with meat residues from the previous day's work and noted that some plants failed to monitor cooking temperatures, potentially exposing consumers to bacteria that cause foodborne illness.

The Mississippi meat inspection program allowed the plants to continue operating. FSIS allowed the Mississippi program to keep operating though it was not meeting the ''equal to'' federal inspection legal requirements.

FSIS allowed meat plants in four states—Missouri, Wisconsin, Delaware and Minnesota to continue to operate, selling meat to unsuspecting consumers, even after finding that the state programs were not meeting legal standards for ''equal to.'' Under current law, the risk from lax state meat and poultry inspection programs is limited because the products cannot leave the state in which they were produced. If Congress approves these provisions the problems would become nationwide as the products travel across the country.

The USDA does not certify that each state inspected plant meets federal standards before coming into the program, nor does it go back to check to determine that the plants continue to meet federal standards. FSIS officials determine ''equal to'' status primarily by looking at paper, not plants. They examine state plans. They almost never actually go into a state-inspected plant to see what is really happening.

The U.S. Court of Appeals for the Sixth Circuit explains why Congress is justified in limiting the shipment of state-inspected meat to the state in which it is produced: ''. . . though the U.S. Department of Agriculture keeps an eye on state inspection programs, it keeps yet a closer eye on its own plants and on meat and poultry entering the country, and it is possible that a state program could deteriorate without the USDA's knowledge. This possibility provides a rational basis for Congress to restrict the interstate transport of state-inspected meat.''

There is no effective way for state governments to assure recall of state inspected adulterated meat or poultry that has been shipped away from the state where it was produced. These provisions, therefore, will increase the risk of serious foodborne illness. Neither USDA nor state governments has mandatory recall authority. Recalls are negotiated between the regulatory agency and the company. The USDA, however, has the staff and capacity both to negotiate with a company about the size and timing of a recall and to go to all the places where the product may have been distributed to be sure the recalled products are being removed. No individual state agriculture department has the authority or the capacity to institute and manage the recall of adulterated meat or poultry from another state.

The provisions were approved by the House Agriculture Committee without the benefit of public hearings to explore the crucial issues or give opponents an opportunity to be heard. The provisions were drafted by the National Association of State Departments of Agriculture whose members want to expand their programs. Meat packing trade associations, whose members may welcome the leverage of threatening to switch to state inspection, signed off on the provisions. Consumer and public health experts, as well as the unions who represent federal inspectors and workers in meatpacking plants, had no opportunity to address the issues.

The provisions assure that the details of implementation would also avoid transparency and exclude public participation. The provisions direct the Secretary of Agriculture to promulgate rules for the major new program within 180 days after the bill becomes law, effectively foreclosing any meaningful opportunity for notice and comment rulemaking, open meetings and public discussion. One of the provisions creates an advisory committee limited to officials of state inspection programs, excluding public health experts and representatives of consumers who might challenge whether public health is being given first consideration.

Neither the House of Representatives nor the American people are well served by the substance of these provisions or the process that produced them. We believe that approval of the Farm Bill language allowing state inspected meat and poultry products to be sold in interstate commerce would mark the beginning of the end of the nation's strong, uniform federal meat and poultry inspection system and would seriously undermine the public health protection federal inspection has built over the past 40 years.

Sincerely,

Carol Tucker Foreman, Founder, Safe Food Coalition; Patricia Buck, Center for Foodborne Illness Research & Prevention; Chris Waldrop, Consumer Federation of America; Wenonah Hauter, Food & Water Watch; Jacqueline Ostfeld, Government Accountability Project; Linda Golodner, National Consumers League; Nancy Donley; Safe Tables-Our Priority; Michael J. Wilson, United Food and Commercial Workers International Union; American Federation of Government Employees.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

HON. JOHN CONYERS, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. CONYERS. Madam Speaker, I rise today to recognize and congratulate the Southern Christian Leadership Conference, SCLC, as it celebrates 50 years of promoting non-violent action as a means to achieve social, economic, and political justice. The opportunity to serve as the first African-American Chairman of the House Judiciary Committee is a tribute to the efforts of the SCLC to promote equal opportunity and equal justice. .

Without the courage and sacrifice of members of the SCLC, namely its first President, Dr. Martin Luther King, Jr., and those Presidents that followed—Ralph Abernathy, Joseph Lowery, and Martin Luther King, III, we simply would not be where we are today. And while we have much work to do, we are living the legacy of the Southern Christian Leadership Conference everyday.

This August will be the 50th anniversary of the Southern Christian Leadership Conference. The SCLC traces its roots to the Montgomery Bus Boycott of 1955, which began with the quiet yet courageous efforts of one woman: Rosa Parks. I had the privilege of working with Rosa Parks for over 20 years when she agreed to join my staff after I was elected to Congress in 1964. The Montgomery Bus Boycott brought together two local ministers, Dr. Martin Luther King, Jr. and Ralph Abernathy, who established the Montgomery Improvement Association to lead the boycott efforts. As the movement to desegregate public transportation spread beyond Montgomery County into surrounding states, it was clear that the organization needed to expand, both in size and in scope.

Following the success of the Montgomery Bus Boycott, a group of 60 organizers from 10 states met in Atlanta, Georgia to plan the next steps. The result was the founding of the Southern Leadership Conference on Transportation and Nonviolent Integration. The organization's title was shortened to its current name, the Southern Christian Leadership Conference during its first convention, held in Montgomery in August 1957. Next week, the SCLC will be hosting its 49th annual convention in Atlanta, GA.

Leading the efforts of the SCLC to end segregation was Dr. Martin Luther King, Jr., a man I am honored to have been able to call a friend and confidant. In fact, it was Dr. King that endorsed me for Congress when I first ran and was elected to serve in 1964. Significantly, Dr. King personally awarded me with the Southern Christian Leadership Conference Award in 1967. Having walked alongside Dr. King, a fearless leader who challenged continued racial segregation and believed that "oppressed people cannot remain oppressed forever," I am committed to continuing the legacy of Dr. King and the SCLC.

Under the helm of President Joseph Lowery for much of its existence—from 1977 until 1997, the SCLC advanced Dr. King's dream for an America—a society united behind the banner of equality and freedom. Today, the SCLC remains strong under the leadership of Dr. Charles Steele, Jr., promoting a number of programs in the areas of economic empowerment, health advocacy, education, and criminal justice. The SCLC has also established the Martin Luther King, Jr., Conflict Resolution Center, an international initiative to promote Dr. King's principle of nonviolence as a means to resolving conflicts throughout the world.

We've come a long ways over the last 50 years, and the work of the SCLC continues to be of critical importance. It is to the credit of Dr. King and other leaders of the SCLC that today the torch of the civil rights movement is carried by many hands. One of those hands is Dr. King's son, Martin III, who headed the SCLC from 1997 until 2003 and remains committed to the organization's vision. So following the lead of Martin III, Joseph Lowery, Ralph Abernathy, and of course Dr. King, let us continue the work and legacy of the Southern Christian Leadership Conference on its 50th anniversary.

TUMACACORI HIGHLANDS WILDERNESS ACT OF 2007

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GRIJALVA. Madam Speaker, I am pleased to introduce legislation today to protect a magnificently diverse natural landscape in the mountains southwest of Tucson. When enacted, the Tumacacori Highlands Wilderness Act will make a major contribution to the conservation of the natural wonders of Arizona, to the benefit of all of our citizens—those alive today and all the generations to come.

The Tumacacori Highlands is the collective name for two adjacent wilderness areas on public lands that are part of the Coronado National Forest.

These desert peaks and canyons are key parts of the world-renowned Sky Island bioregion, a biological "hotspot" where the southern margin of habitats for many species from the Rocky Mountain west overlaps the northern extent of habitats for many tropical species better known in Mexico. The area is home to subtropical species like the elegant trogon and Chiricahua leopard frog that are found nowhere else in the United States, and offers secluded habitat vital for jaguars, the rare and elusive spotted cat that is now repopulating this portion of its former range.

THE NEW WILDERNESS AREAS

This legislation will expand the existing 7,553-acre Pajarita Wilderness, which Congress protected in 1984 under the leadership of one of America's greatest conservation leaders, Rep. Morris K. Udall, and his close colleague, Sen. JOHN MCCAIN. As the House committee report explained, this "is one of the most delicate and important ecotypes in all of Arizona," providing "an important corridor for life zones to the north and south." My new legislation will afford statutory wilderness protection to some 5,750 additional acres, enhancing overall protection for this rare biological gem.

Just to the north, separated only by an unpaved Forest Service road that crosses the mountains between Nogales and Arivaca, the legislation will also designate the Tumacacori Highlands Wilderness. This larger area comprises some 70,000 acres surrounding Atascosa Peak and the ridges and canyons that fall away from it on all sides. This is important intact habitat—a remaining oasis of what southern Arizona used to be—and protects important parts of the watersheds for both the Santa Cruz River and the world-renowned riparian area of Sycamore Canyon in the core of the expanded Pajarita Wilderness. The area offers outstanding opportunities for recreation and renewal. Some folks hike to Atascosa Peak or other high points for sweeping views hundreds of miles in all directions. Others linger along the highly accessible margins of the area enjoying the scenic wonders of this wilderness landscape from the roadside.

USER-FRIENDLY WILDERNESS

Madam Speaker, along the roads that offer extraordinary access to these wilderness areas, one is surrounded by wild scenery. These "user friendly" wilderness areas offer diverse recreational opportunities for people of all ages, whether for an easy stroll and picnic or a more vigorous extended outing.

For the visitor who craves wild scenery but chooses not to hike, the Ruby Road and its numerous spurs offer a marvelous motoring experience, with the wilderness literally at the roadside untarnished by intervening roadside development beyond turnouts and trailheads that offer inviting picnic stops. As we too often forget, one of the greatest values of preserving our wilderness areas is for the enjoyment of those who use them by viewing their scenic vistas from the edges. And I hasten to add that other public lands in this region are available for those who choose other forms of outdoor recreation, including motorized recreation.

The boundaries proposed in this legislation have been adjusted to ensure plentiful road access to the wilderness for recreation. We emphasize protection of habitat, which is vital to increasing numbers of sportsmen who seek true wilderness hunting. As a result, this proposal has earned the support of Backcountry Hunters and Anglers and the Arizona Wildlife Federation.

COMMUNITY-FRIENDLY WILDERNESS

Protecting open space and scenic wild places like the Tumacacori Highlands contributes directly to the high quality-of-life sought by our people. The dramatic scenic backdrop of these mountains, uncluttered by development creeping up the slopes, entices people to choose to make their homes in these communities, including Green Valley and Rio Rico. Indeed, seven homeowners' associations in Green Valley, representing some 1,400 households, have formally endorsed this proposal.

The wild landscape of the Pajarita and Tumacacori Highlands are an essential asset for our small business owners, a matter of particular importance to me as a member of the Committee on Small Business. A University of Arizona study found that in Santa Cruz County alone, visitors to natural areas spent between $10 million and $16 million annually on travel and accommodations. The natural wonders of this landscape draw artists to artist colonies such as Tubac and Arivaca—and bring art lovers to patronize local galleries and studios. My friends in the local arts community tell me that art that evokes the wild splendors of the southern Arizona landscape is perennially popular with their customers.

Little wonder then that business people have been among the voices urging that we designate these new wilderness areas. More than 100 southern Arizona businesses have endorsed the proposal. In giving their formal support, the board of directors of the Tubac Chamber of Commerce pointed out that protecting open space and wild landscapes such as the Tumacacori Highlands contributes directly to a high quality-of-life and is a key component in drawing local business patrons and tourists dollars to the area.

This is the wildest land in the spectrum of the open spaces and recreational lands we have to offer our increasingly urban population. In this sense, I think of these new wilderness areas as lungs for our city dwellers, and as their preserved public lands where they can go to recreate, to reconnect with family, friends, or personal spirituality. And I think of them, too, as particularly vital classrooms. In these wildest expanses of the natural world, we offer our children the opportunity to experience nature in its most unspoiled state and to learn first-hand how the natural world works. Wilderness inspires awe and offers a living, breathing learning environment that cannot be replicated in a classroom. More than 80 professors and graduate students in fields such as wildlife and fisheries, natural resources management, and environmental science have endorsed designation of these new wilderness areas.

These wildest places in the rapidly growing southern Arizona region offer our people sanctuaries—refuges of quiet offering outstanding opportunities for solitude, high quality recreation, and spiritual reflection. Many of my constituents express the great value they place on protecting these wild sanctuaries, feeling that doing so is part of our responsibility in caring for God's creation and fulfilling the obligation we share to preserve such places for the benefit of future generations. This has led both the Arizona Ecumenical Council and the National Council of Churches to support this proposal.

KEY ISSUES IN THIS LEGISLATION

As we have perfected these wilderness proposals, my staff and I have addressed two major issues that we are sure to discuss carefully when we hold hearings in the Subcommittee on National Parks, Forests and Public Lands, which I have the honor to chair.

First, livestock grazing: my goal is to assure that in protecting these Wilderness areas, we reaffirm the longstanding congressional policy of respecting the use privileges held by local ranchers who have Forest Service permits to graze livestock on these public lands.

This is a common situation in the West, and it is one that Congress understood and accounted for when the Wilderness Act was enacted in 1964. That Act provides that where it was established prior to the designation of an area as wilderness, such existing grazing use shall continue. Over the years, there have been some problems in the practical conformance with this policy by the U.S. Forest Service, prompting complaints from ranchers, some of whom even worked against designation of new wilderness areas for this reason. Our committee has responded to those complaints, and the leader in that response was my revered predecessor, Rep. MORRIS UDALL, the long-time chairman of what is now the Committee on Natural Resources.

Under Chairman UDALL's leadership, Congress adopted very detailed ''Congressional Grazing Guidelines'' that apply wherever wilderness designations and existing livestock grazing overlap. Those guidelines bring clarity to the situation, protecting both the legitimate practical needs of the ranchers to carry out their permitted grazing use, with the access and facilities that are necessary, and the public interest in preserving wilderness values. Among other things, those guidelines spell out that livestock numbers cannot be reduced solely due to wilderness designation. In the case of this proposed legislation, I appreciate the fact that local conservation groups have taken the initiative to work with cooperative ranchers holding grazing permits within the proposed area to craft a mutually supportable plan consistent with the congressional guidelines.

The other major concern in shaping this legislation is the international border. These new wilderness areas lie adjacent to the border, so it has been my concern to be sure that the agencies charged with border and customs enforcement have the operational flexibility they need to do their jobs. In carrying out this vital work, let us not accept the false choice between protecting our natural heritage or our national security—we can do both. After all, these will not be the first wilderness areas Congress has designated on or very near the Mexican border, only the most recent.

This is a complex matter, which my staff and I have pursued in detail with both the U.S. Forest Service, which administers these lands, and the Department of Homeland Security and its specialized border and customs agencies. This legislation references the highly detailed 2006 Memorandum of Understanding adopted by Homeland Security, the Forest Service, and other land management agencies regarding operations within wilderness areas and other public lands.

WHY WE PRESERVE WILDERNESS

Finally, Madam Speaker, I would like to comment on one of the more philosophical reasons that preserving areas like those proposed in the Tumacacori Highlands Wilderness Act is so important. Yes, we protect wilderness for our fellow Americans, who today treasure it for the opportunities it provides to hike, ride horseback, hunt, photograph or paint, go birding or enjoy the wild scenery. If we have the foresight to protect wilderness, it will be treasured and enjoyed for years to come by our children, grandchildren and future generations.

But we also preserve wilderness because we recognize the role it has played in shaping our Nation and our national character. The wilderness areas we preserve are patches of the original American landscape, protected to the best of our ability so that future generations of Americans will have the chance to know what wild America was and is still. So that future generations will have the opportunity to explore wilderness, to enjoy wilderness, to test themselves and grow in wilderness as did their ancestors. Wilderness is their rightful inheritance from us and we must be certain that they receive it. The public lands that will be given wilderness protection by the Tumacacori Highlands Wilderness Act represent important additions to southern Arizona's protected landscapes and I am pleased to introduce this legislation to preserve it now and for the future.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

SPEECH OF

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. COHEN. Madam Speaker, I rise today to commemorate the 50th anniversary of the Southern Christian Leadership Conference.

The Southern Christian Leadership Conference, SCLC, originated through the Montgomery Bus Boycott when a courageous young woman by the name of Rosa Parks refused to give up her seat and move to the back of the bus on December 5, 1955. The Montgomery Bus Boycott brought two dynamic ministers together: Martin Luther King, Jr., and Ralph Abernathy. Through the guidance of Dr. King, Dr. Abernathy and Dr. Joseph Lowery, this boycott led to a new phase of a long struggle to be known as the modem day ''Civil Rights Movement.''

The Southern Christian Leadership Conference, SCLC, is best known for its commitment to nonviolent civil disobedience as a means for securing equal rights for African Americans and other oppressed people worldwide. The Southern Christian Leadership Conference, SCLC, adopted the motto: ''Not one hair of one head should be harmed.'' This motto not only proved effective for the civil rights movement but should be applied in today's challenges in the world.

After the success of the Montgomery Bus Boycott, the Southern Christian Leadership Conference founded the Student Non-violent Coordinating Committee and cooperated with SNCC and other civil rights organizations seeking social justice for over 45 years.

I myself have witnessed the power and effectiveness of the Southern Christian Leadership Conference in the city of Memphis, when Dr. King and the Memphis Chapter of the Southern Christian Leadership Conference, SCLC, and the labor movement organized 1,300 city sanitation workers to go on strike for fair and honest wages and benefits.

I rise today and urge everyone to remember and respect 50 years of good works by the Southern Christian Leadership Conference, SCLC. It has been living, fulfilling and perpetuating the dream of Dr. King. Its legacy, vision, and commitment to nonviolent action is highly regarded by this younger generation. The Southern Christian Leadership Conference has not just served the purpose of assuring rights for African Americans but all Americans.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on Tuesday, July 31, 2007, I was unable to make a series of votes. If I had been present I would have voted: ''Aye,'' on rollcall vote No. 763, S. 1, the Honest Leadership and Open Government Act; ''Aye,'' on rollcall vote No. 764, H.R. 180, the Darfur

Accountability and Divestment Act; ''Aye,'' on rollcall vote No. 765, H.R. 2346, the Iran Sanctions Enabling Act; ''Aye,'' on rollcall vote No. 776, On a Motion that the Committee Rise.

CELEBRATING THE 109TH BIRTHDAY OF CECELIA M. RUPPERT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in celebrating the 109th birthday of Cecelia M. Ruppert of Pinckneyvie, Illinois.

Cecelia Ruppert was born on August 17, 1898 to George and Louisa (Schneider) Ruppert in their home at 602 W. Mulberry Street in Pinckneyville, Illinois. The house, which is still standing, was built by Matthew Schneider for his daughter, Louisa and her husband.

Cecelia was the second oldest of George and Louisa's 8 children. She attended St. Bruno School. While in grammar school, Cecelia took piano lessons and she and her older sister, Magdalen, would entertain neighbors by playing duets on the piano. Cecelia had many chores at home, such as rocking the babies, washing clothes on a washboard, ironing, and peeling potatoes each day.

Cecelia's first job was in Pinckneyville at McCant's General Store, where she sold ladies' dresses and would sometimes go to the basement to fill coal oil cans for sale. At age 21, she moved to St. Louis where she attended Brown's Business College, and took business courses at Washington University. While pursuing her studies in St. Louis, Cecelia also volunteered as a teacher.

After completing school, Cecelia went to work for the Claridge Hotel in St. Louis, starting as a stenographer, and advancing to the bookkeeping department where she learned auditing. She was transferred to the LeClaire Hotel in Moline, Illinois and then was promoted to the Claridge Hotel in Memphis, Tennessee where she served as auditor until her retirement at age 65. After retirement from the Claridge Hotel, Cecelia remained in Memphis, serving as auditor at the Chisca Plaza Hotel until her final retirement at the age of 75.

After retirement, Cecelia returned to the family home in Pinckneyville where she enjoyed the company of her sister, Magdalen Ruppert Mann and the Mann family. Cecelia's sister, Cdr. Margaret Ruppert, NC, USN, Ret., of Pensacola, Florida, would visit frequently.

During her years in business, Cecelia saw many changes and technological advancements. While she used adding machines and calculators in her job, she remarks that now computers have become the primary business tool. Other changes that Cecelia has witnessed involve the expanded opportunities for women in the business world. In 2000, when she was interviewed for The Southern Illinoisan and was asked to name the biggest improvement she had seen in 102 years, Cecelia responded, ''That women can go forward in the business world. That's wonderful. Now they can have a job with a man's rank. They can have any occupation.''

Cecelia came from a hard working family. Her father was employed at the mill and in the mines and her mother worked diligently to raise and educate their large family. Even though Cecelia was well ahead of her time by pursuing a successful career in the business world, she always remembered the lessons learned during her childhood, respect all people and go to church on Sunday.

Madam Speaker, I ask my colleagues to join me in congratulating Cecelia M. Ruppert on reaching this milestone birthday and wishing her all the best for the future.

APPOINTMENT OF CHARLIE THOMAS TO NAFCU

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WYNN. Madam Speaker, it is with great pleasure that I rise to recognize Charlie Thomas, the President of Mid-Atlantic Federal Credit Union, headquartered in my district in Germantown, MD, on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU).

For the past 35 years, Mr. Thomas has dedicated his life on behalf of improving financial institutions in America and currently serves as President of the Alliance of Credit Unions and is also a member of the National Association of Federal Credit Union's Region II Advisory Committee. His illustrious experience further includes service as Maryland's committee chairman for the ''Campaign for Consumer Choice'' as well as the founding Chairman of the CU Auto Loan Network.

As the President of Mid-Atlantic Federal Credit Union, Mr. Templeton has focused on ensuring his members receive helpful, personal service. Through his credit union, he is continuously educating his members on how to prevent identity theft. He also understands that today's youth must be armed with the knowledge to be financially savvy. He is forever trying to improve the direction and leadership that he provides the Mid-Atlantic FCU, even attending the inaugural Credit Union Executive Society's (CUES) Advanced Leadership Institute at Harvard University.

It is because of the good work of Mr. Thomas and others like him that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I know that he will bring this dedication to his service on the NAFCU Board of Directors. I wish Mr. Thomas the best of luck in this new role and I look forward to working with him in this new capacity.

THE AMERICAN LIFE SCIENCES COMPETITIVENESS ACT OF 2007

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. SCHWARTZ. Madam Speaker, today I am introducing the American Life Sciences Competitiveness Act of 2007. This legislation aims to modernize the Internal Revenue Code so that the U.S. life sciences industry—both biotech and medical device companies—can effectively raise the capital they need to fund the next generation of medicines and medical devices that will lead to longer and healthier lives for Americans and people around the world. I am pleased to be joined in this effort by my distinguished colleagues on the Ways and Means Committee, Representatives KEVIN BRADY, RICHARD NEAL and WALLY HERGER.

This legislation remedies obstacles to future growth and development faced by the American biotechnology and medical device industries. I want to thank the Biotechnology Industry Organization (BIO), the Advanced Medical Technology Association (AdvaMed), the Medical Device Manufacturers Association (MDMA), Pennsylvania BIO, the Texas Healthcare and Bioscience Institute and the California Healthcare Institute for their strong support of our efforts to modernize the tax code for the 21st Century.

The life sciences industry promises to be a key growth sector for the American economy. The biotech industry alone comprises nearly 1,500 companies, located in all 50 states, and employs nearly 200,000 workers. The more than 6,000 medical device companies in the U.S. employ over 350,000 Americans at wages 49 percent greater than the average for private industry.

In my own State of Pennsylvania, the biopharmaceutical industry has roughly 30,000 high-wage employees. Additionally, there are more than 120 medical device companies in Pennsylvania, the majority of which are small companies working on clinical trials prior to seeking marketing approval for their products. These companies offer great employment opportunities, providing good wages and benefits to talented, skilled workers. They are important contributors to Pennsylvania's expanding health care sector and often conduct clinical trials in partnership with academic medical facilities such as the University of Pennsylvania, Penn State, and the University of Pittsburgh as well as Drexel, Temple, Thomas Jefferson and the University of the Sciences in Philadelphia.

America's life sciences sector is one of the most research-intensive industries in the world. U.S. biotech companies alone spent roughly $27 billion on research and development in 2006. There are more than 400 biotech products in clinical trials targeting more than 200 diseases, including various cancers, Alzheimer's disease, heart disease, diabetes, multiple sclerosis, and AIDS.

Small medical device companies are also a leading source of innovation that is providing technologies that address previously unmet medical needs. These companies are transforming health care by providing physicians and their patients with the tools that allow early disease detection, less invasive procedures and more effective treatments.

For all its bright opportunities, America's life sciences industry faces daunting challenges. First is access to capital for development of biotech therapies. Most biotech firms are small businesses with fewer than 50 employees. Because the development of new technologies that can often take 10 years or more and hundreds of millions of dollars to bring a new product to market, these small companies experience years of large cash outlays before they have the opportunity to realize any profit.

In fact, in 2006 the biotech industry generated a total net loss of $5.6 billion. Despite this, R&D expenditures increased by 30 percent in 2005. For every $1 of sales in 2006,

there was roughly 60 cents spent on R&D by biotech companies. Without question, capital investment for R&D is essential if these new therapies are to be developed and made available to the market.

Much like the biotech industry, the medical device sector is also overwhelmingly composed of smaller manufacturers, with 90 percent of firms having fewer than 100 employees. Most of these small engines of growth focus on niche products with revenues of less than $100 million, yet they generate 28 percent of the industry's R&D spending. This commitment to R&D often means that these companies are the source of some of the most cutting-edge innovations, which can radically improve treatment options for patients.

To continue to develop and improve the medical devices available to patients, the medical technology industry invests heavily in R&D. Today, the device industry leads global medical technology R&D, both in terms of innovation as well as investment. In absolute terms, R&D spending has increased 20 percent on a cumulative annual basis since 1990. The industry's level of spending on R&D is more than three times the overall U.S. average.

Encouraging new investment in the life sciences industry will enable this key sector of the American economy to grow and flourish in the years ahead. The American Life Sciences Competitiveness Act of 2007 contains both corporate and investor oriented provisions to ensure access to capital and continued vigorous research and development in biotechnology and medical devices.

This comprehensive legislation includes a number of provisions that would remove barriers to capital formation currently in our tax code. Specifically, the legislation modifies the Net Operating Loss (NOL) rules of Section 382, with the goal of enhancing the capacity of life sciences firms to leverage capital for use in high-tech, high-risk cutting-edge research. The legislation ensures that neither the raising of new research capital by biotech companies nor a business-driven merger of two biotech loss companies will trigger the 382 Net Operating Loss (NOL) limitations.

In addition, the legislation contains two important modifications to the existing R&D tax credit. The legislation increases, from 65 percent to 100 percent, the amount of contract research expenses by life sciences firms eligible for the R&D credit. The legislation also increases the amount of basic research payments to universities from life sciences companies that qualifies for the full R&D credit.

Importantly, the legislation recognizes the grave threat the country faces from bio-terrorist attacks and a potential avian flu epidemic and contains tax incentives designed to spur the industry to develop effective countermeasures. This provision provides a 20 percent credit on qualified pre-clinical and clinical trial expenses associated with the development of a countermeasure to combat pandemic flu or bioterrorist attacks.

The bill also makes an important change to the orphan drug tax credit, allowing clinical trial expenses incurred after an application is made to the FDA, but before the orphan designation is received, to qualify for the credit. This change removes the current incentive to delay research and will help speed new orphan drug therapies to the market.

In addition to the corporate-sector incentives, the American Life Sciences Competitiveness Act of 2007 contains two important provisions targeted towards the life sciences investor. One provision allows capital gains on the sale of stock in a life sciences company held for longer than 6 months to be deferred as long as the proceeds are reinvested in another life sciences company within 60 days. The second provision provides a 20 percent credit for investors in biotech firms engaged in incubational research. "Incubational research" refers to early, cutting-edge research that often occurs shortly after university laboratory research and prior to large-scale clinical trials. This stage of research is often termed the "Valley of Death" because the dearth of investment results in promising investigational therapies and products withering on the vine for lack of adequate capital.

America's life sciences industry is strategically and economically vital. We must take every action we can to keep our Nation at the forefront of this emerging technology sector. Countries with significant government investments in their biotech industries, such as India and China, pose a serious long-term challenge to America's biotechnology and medical device industries.

The American Life Sciences Competitiveness Act of 2007 will give American companies important tools to answer this challenge and ensure that our scientists have the opportunities to research, develop and bring to market life-saving treatments.

Biotechnology and medical device products will be in demand from billions of people worldwide, creating a tremendous boon to the economies that create these products. Keeping the United States at the forefront of global life sciences innovation will translate into more and better-paying jobs here at home. The actions we take today will determine the winners and losers in the 21st century global economy. I urge my colleagues to support this important bill and better ensure that our economy continues to compete—and win.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 30, 2007—Rollcall vote 758, on motion to suspend the rules and pass—H.R. 2750, NASA 50th Anniversary Commemorative Coin Act—I would have voted "aye"; rollcall vote 759, on ordering the previous question—H. Res. 580, Providing for consideration of the bill H.R. 986, to designate the Eightmile River in the State of Connecticut—I would have voted "nay"; rollcall vote 760, on agreeing to the resolution—H. Res. 580, Providing for consideration of the bill H.R. 986, to designate the Eightmile River in the state of Connecticut—I would have voted "nay"; rollcall vote 761, on ordering the previous question—H. Res. 579, Providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision—I would have voted "nay"; and rollcall vote 762, on agreeing to the previous question—Providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision—I would have voted "nay."

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes:

Mr. TIAHRT. Mr. Chairman, I rise today with great reluctance that I am not able to support the Farm, Nutrition, and Bioenergy Act of 2007, H.R. 2419. The Agriculture Committee worked for many months in a bipartisan manner to craft an omnibus farm bill that would have achieved broad support in the House. H.R. 2419 was not a perfect bill, but it was a compromise that I would have supported in hopes that an even better package could be produced during conference negotiations with the Senate.

Unfortunately, Democrat leadership decided to insert a last-minute tax increase into the farm bill after the bill had left the House Committee on Agriculture. The tax provision represents a $7.5 billion increase in taxes on companies that supply high-quality, high-paying jobs for American workers. These are often union jobs held by hard-working men and women trying to earn a living for their families. Instead of producing a farm bill that meets the needs of America's farmers, ranchers, landowners and those who rely on nutrition programs, the Democrats have instead resorted to a tax-and-spend policy instead of an invest-and-create-jobs policy.

The $7.5 billion tax increase on foreign-owned American businesses inserted in H.R. 2419 could result in more jobs being sent overseas. In a time when the United States should be encouraging investment in our country and in American jobs, this kind of tax policy takes our economy a step backward. The last-minute Democrat tax increase will make it less attractive for foreign companies that employ American workers to initiate or expand operations in the United States. And that means bad news for American workers.

The United States has negotiated 58 tax treaties with 66 different countries. The Democrat tax proposal applies a tax increase on companies located in countries with which we have a tax treaty. This calls into serious question the United States' upholding our end of the treaties, which could invite retaliation.

Aside from the damage H.R. 2419 would do to American jobs, the Democrat's farm bill would cut a total of $3 billion from the crop insurance program compared to the 2002 farm bill. Most troubling, is that $1 billion of these

cuts were made without consideration by the full Agriculture Committee to determine how this will effect risk-management services farmers in Kansas rely upon. With nearly every county in Kansas being declared as a federal disaster area in 2007, we should think long and hard about cuts to the federal crop insurance program. It is disappointing that Democrat leadership chose to make this cut without first considering what it will mean for America's farmers.

Another harmful provision included last-minute in the farm bill would apply Davis-Bacon act wages to new ethanol plants being built if those plants utilize loans or grants from the USDA. This provision negates any positive benefit that would have been provided by the USDA's loan guarantee program. By artificially dictating what wages have to be paid to workers constructing a new ethanol plant, the farm bill will result in increased ethanol costs. This translates to higher costs at the pump for consumers of ethanol-blended gasoline. Instead of allowing price competition for newly constructed ethanol plants that access USDA loans or grants, this artificial wage provision is another example of unnecessary federal manipulation in a private-market matter.

I am also disappointed the bill included a prohibition on States being able to use private contractors to perform administrative functions for the food stamp program. States that choose to enact reforms within their systems to provide better food-stamp services at a savings to taxpayers are denied that ability under H.R. 2419. Rather than defer to States and allow some common-sense savings for taxpayers, the Democrats have drafted a farm bill that restricts certain reforms at the State level.

The commodity title of H.R. 2419 proposes a commodity spending cut of 42 percent compared with the 2002 farm bill. The 2007 farm bill proposes $42 billion in baseline spending on commodities, representing just 14 percent of the entire farm bill. I think Kansas farmers deserve better.

As a State that is renowned for being the breadbasket of the world, Kansas and its farmers deserve a farm bill that provides a solid safety net while remaining fiscally responsible to taxpayers. I do not believe this $297 billion farm bill meets this standard. And as my colleague from Kansas, Mr. MORAN, has pointed out, this farm bill fails to fully implement a revenue counter-cyclical program that would better respond to Kansas farmers in times when they need support the most.

I urge my colleagues to join me today in voting against H.R. 2419. The American farmer, the American taxpayer and the American worker deserve a better farm bill. I can only hope negotiations with the Senate will address this bill's shortcomings and that the House will have another opportunity to vote on comprehensive farm policy that is good for all Americans.

HONORING THE CITY OF MIDDLETON, WISCONSIN AS THE ''BEST PLACE TO LIVE 2007''

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. BALDWIN. Madam Speaker, I rise today to recognize the City of Middleton as the ''Best Place to Live 2007,'' a title presented by Money Magazine that mirrors the thriving civic, commercial, residential, and natural centers of the community.

Middleton, Wisconsin, the ''Good Neighbor City,'' is deserving of this honor as a reflection of the vibrant community it has become since its founding in 1856. The furtrading post that was opened in 1832 by the area's first carpenter, Michael St. Cyr, along with the arrival of the railroad in 1856 and the train depot, Middleton Station, that followed, served as town hubs that encouraged neighborhood growth and subsequent business prosperity.

Today, as a testament of this award, Middleton is flourishing. While Middleton residents still treasure the historic structures of the past, such as the Old Stamm House, a former station on The Underground Railroad, they also are looking forward. At present Middleton is the corporate headquarters for American Girl, Capital Brewery, Electronic Theatre Controls, ETC, and Springs Window Fashions, LLC.

There exist numerous elements that are keys to the community's success, including the Middleton-Cross Plains area school district and its high level of academic and cocurricular achievements; an outstanding performing arts center; 25 percent of land mass designated as ''green space;'' the home of Middleton Hills, the first ''new urbanism'' subdivision of the Midwest; a regional employment center; and superb public amenities, including a nationally recognized library, a nationally-accredited senior center, a historical museum, and abundant parks, to name a few.

As the ''Best Place to Live 2007,'' the City of Middleton has much for which it should be proud. I look forward to watching the community as it continues to grow and builds upon the strong foundation that its residents, businesses, and employees have created for themselves.

A TRIBUTE TO THE LIFE OF JOSEPH NICHOLAS ESPINOZA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Ms. ESHOO. Madam Speaker, we rise today with great sorrow to honor the life of Joseph Nicholas Espinoza of Sacramento, California, who died in a tragic accident on July 23, 2007.

Joseph Espinoza was known to his family and friends as Joey. At a family dinner on May 25th, he celebrated his 21st birthday. He was 'best friend' to his brother John, his sister Marina, his cousins Sean, Connor and Michael, and his girlfriend Gina. He admired his father, confided in his mother and always sought their loving advice. He was a musician and an athlete, and was gifted in math and science, and his goal was to become an architect.

Joey was loved and always will be by his childhood friends and their families. His family knew that he was honest and earnest, that he had great energy and a tender and generous heart. He was open and trusting and was the keeper of the secrets of many who counted on his encouragement and courage.

Joey is survived by his parents Kate and John Espinoza of Sacramento, his brother John, and his sisters Marina, Kelly Rose, Jeannie and Mendi. He leaves his loving grandmothers Rose King and Rose Espinoza and he is mourned by his many aunts, uncles and cousins of his parents' families.

Madam Speaker, we hope this tribute to Joey will be a source of comfort to his family. We have known and treasured his grandmother, Rose King, for almost 40 years and we share her immeasurable grief. She has been the great anchor of her family and she has contributed mightily to the well being of Californians through her dedicated public service spanning many decades.

Our Nation has lost a precious citizen and we ask today that the entire House of Representatives join us in honoring the life of Joseph Nicholas Espinoza and extend to his grieving family our deepest sympathy.

IN SUPPORT OF AMENDMENT TO H.R. 3093 REQUIRING USE OF ''ENERGY STAR'' LIGHT BULBS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. INSLEE. Madam Speaker, I would like to commend Representative JANE HARMAN (D–CA) and Representative FRED UPTON (R–MI) for their unfailing hard work and dedication to the issue of light bulb efficiency in the United States Congress. Their leadership in this area has greatly contributed to our national effort to prevent global climate change and reduce our dependence on foreign energy sources. Recently Ms. HARMAN and Mr. UPTON offered an amendment to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. This amendment prohibited funds to be used to purchase light bulbs unless the light bulb has the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation. During this vote, Rollcall 738, I erroneously voted against the measure which I wholeheartedly support.

Since indoor and outdoor lighting accounts for up to fifteen percent of energy use in the average residence, inefficient light bulbs can consume large amounts of excess energy.

With the advent of compact fluorescent light bulbs, Americans have been given an alternative to inefficient incandescent bulbs which waste up to ninety-five percent of consumed energy as heat. These long-lasting high-efficiency fluorescent light bulbs provide equivalent illumination as incandescent light bulbs, so neither comfort nor convenience is sacrificed in this energy-saving endeavor. However, they consume up to sixty-six percent less energy, leading to major decreases in energy bills. By simply replacing the light bulbs in their homes, our constituents will be saving money in addition to energy.

Ms. HARMAN and Mr. UPTON have empowered Americans with an uncomplicated, affordable plan that offers only benefits to both individuals and our nation as a whole. As we look to renewable energy sources to minimize our foreign oil dependence and increase national security, each citizen can do his or her part both at home and at work with the nearly effortless action of changing a light bulb.

INTRODUCTORY STATEMENT FOR THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, otherwise known as the Helsinki Commission, I rise to introduce a resolution which expresses the concern of this body regarding the Russian Federation's suspension of implementation of the Conventional Armed Forces in Europe Treaty (CFE).

Russia's declared suspension of the CFE on last July 14 is troubling to the countries that are parties to the treaty because it may lead to instability in the security situation in Europe.

NATO and the former Warsaw Pact countries ratified the CFE in 1990, under the auspices of the Conference on Security and Cooperation in Europe, predecessor of the current Organization for Security and Cooperation in Europe (OSCE). The CFE has played a major role in European security in the post-Cold War era. The treaty set broad limits on key categories of conventional military equipment in Europe and mandated the destruction of excess weaponry. Under its provisions, over 60,000 pieces of combat material have been destroyed or removed from the arsenals of signatory states, under a rigorous, but mutually acceptable, transparency regime. In sum, it established parity, transparency, and stability among the conventional military forces and equipment in Europe.

The CFE was amended in 1999 to account for the dissolution of the former Soviet Union and the reality that several Warsaw Pact countries had become NATO members. However, NATO members have not yet ratified the amended treaty because Russia has failed to fulfill related commitments to withdraw its troops and weaponry from the territories of Moldova and Georgia, where they I are stationed against the wishes of those governments.

Among other reasons, Russia justified its suspension of the CFE on the basis that the U.S. plans to construct missile defence facilities in Eastern Europe, NATO member states refuse to ratify the 1999 CFE ''Adaptation Agreement,'' and what Moscow sees as further encroachment by NATO toward Russia's border.

Madam Speaker, this resolution is not intended to discount Russia's concerns in the area of national security. However, Russia's actions over the past few months, combined with this latest on the CFE, prompts the question: How much of Russia's decision to suspend the CFE was based on genuine security concerns, and how much of the decision was designed to project President Putin and his United Party as ''tough on the West'' in the face of upcoming parliamentary and presidential elections?

We believe that Russia's proposed ''moratorium'' on CFE compliance is a regrettable step that may needlessly increase tensions in Europe.

I am introducing this ''sense of the House'' resolution urging the Government of the Russian Federation to reconsider its intention to suspend CFE implementation and to engage in dialogue with the other CFE signatory states to resolve outstanding problems and establish a foundation for the eventual implementation of the above-mentioned Adaptation Agreement to the CFE Treaty of 1999. In other words, we urge Russia to reconsider its decision and behave more responsibly.

I urge my colleagues to support this timely resolution as a demonstration of this body's concern for European security.

TRIBUTE TO KATHY CADO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. McDERMOTT. Madam Speaker, I rise to note, with great sadness, the passing of Kathy Cado, a Seattle activist of great compassion and uncompromising integrity. Kathy was a remarkable woman who lent her considerable organizing and fundraising skills to educational projects, environmental efforts, health care initiatives, community programs, and women's issues. She loved progressive politics, and brought to it verve uniquely hers.

Kathy was that rarest of activists—a person of strong views who nonetheless could establish rapport with almost anyone. She brought humor and kindness to all of her endeavors, and she strove always to better her community. She was creative and witty, energizing countless campaigns and ballot efforts. Kathy was a mentor, and an inspiration, to so many; she leaves a legacy of public engagement matched by few others.

Kathy was a kidney transplant patient who struggled for many years with the consequences of renal disease. Yet, she refused to allow her illness to diminish her activism or her commitment to others. Instead, she embraced a new arena of involvement, learning as much as she could about this challenging field of medicine, and working tirelessly to support more kidney disease research and patient service. And, perhaps most significantly, she was resolute that the excellent treatment she received must be available to all who need it, regardless of resources or circumstances.

Kathy Cado was a very special human being who enriched the lives of everyone fortunate enough to know her. She was, in the very best sense, a public citizen.

TRIBUTE TO MR. AND MRS. DONALD AND ROSEMARY RAHABY UPON THEIR 50TH WEDDING ANNIVERSARY

SPEECH OF

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor, acknowledge, and congratulate Mr. and Mrs. Donald and Rosemary Rahaby upon their 50th wedding anniversary.

As beloved area leaders, both Donald and Rosemary have dedicated their lives to serving our community. During his distinguished career in the United States Army, Donald met Rosemary while stationed in the Detroit area. Soon after, they were engaged and later married at the Shrine of the Little Flower in Royal Oak, Michigan, on July 6, 1957. After leaving the military, Donald served as the executive vice-president of Masco Corporation before ascending to president of Flint & Walling, Incorporated, which are both Michigan-based manufacturing businesses. Today, Donald is the president of American Dryer, Incorporated, another manufacturing company based in Livonia, Michigan.

Throughout their marriage, Rosemary has been a devoted wife and homemaker. She serves as parishioner in Our Lady of Victory Church in Northville and graciously volunteers her time at Providence Hospital in Southfield, Michigan. Together, Donald and Rosemary are the loving parents of four children, David, Susan, Linda, and Daniel, and of 12 grandchildren, Danielle, Ashley, Paul, Patrick, Alexander, Michael, Brian, Emily, Meghan, Kaitlyn, Matthew, and Jennifer.

Madam Speaker, through their service, guidance, and generosity, Donald and Rosemary have played an important role in their family and community. They have led their children into successful marriages and careers, and helped them become well-respected members of their communities. Today, as we recognize their 50th wedding anniversary, I ask my colleagues to join me in celebrating Mr. and Mrs. Donald and Rosemary Rahaby's eternal dedication to each other and selfless service to our community and our country.

TRIBUTE TO OFFICER JAMES HOWES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. FARR. Madam Speaker, I rise today to pay tribute to a man who has committed his life to public service. Officer James Howes of the Santa Cruz Police Department in Santa Cruz, California will retire on September 6, 2007, after more than 26 years of personal sacrifice for his community and his country.

Officer Howes was born in Monterey, California and has since spent most of his life in the Monterey Bay area. A graduate of Watsonville High School, he later went on to study at Cabrillo Community College and the University of Phoenix, where he earned a degree in Business Management.

As a young man, Jim enlisted in the United States Marine Corps to defend our homeland. Stationed in Camp Pendleton, California and Okinawa, Japan, he attained the rank of Sergeant while proudly serving our nation.

Throughout his 26-year career at the Santa Cruz Police Department, Officer Howes has protected the public as a Patrol Officer, Field Training Officer, and as a DUI Enforcement Officer, where he helped keep dangerous drunk drivers off of our roads. For 8 years, Officer Howes has served as the Santa Cruz Police Department's Community Service Specialist. He has helped to empower his community and has coordinated the National Night Out, the Citizen's Police Academy, and Business and Neighborhood Watch Programs.

Serving as a member of law enforcement is never easy. Each time a police officer such as

Officer Howes reports to the scene, they can rarely know what to expect. The sacrifices they make are shared with their families, who have the same uncertainty every time these brave men and women leave for work. I would therefore like to recognize the sacrifice that Officer Howes' family has also made during his years of service. Officer Howes and his family have certainly made a significant contribution to the city of Santa Cruz, and I truly appreciate their efforts.

In addition to the outstanding work he has done as a member of law enforcement, Officer Howes regularly serves his community while off duty. He teaches vocational programs to local high school and college students, placing an emphasis on law enforcement and career guidance. Through his great efforts to create a better Santa Cruz, Officer Howes has garnered the admiration of his community, and in 2006, was chosen as a Community Hero by the Santa Cruz County Community Assessment Project through the United Way. The service and dedication that Officer Howes has shown throughout the course of his career further proves that he is a hero.

Madam Speaker, I take this opportunity to thank and congratulate Officer James Howes for his many years of commitment and service to the city of Santa Cruz and to the people who live there. Although he will retire soon, I am sure that his commitment to the city of Santa Cruz will last throughout his life.

IN HONOR OR MORGAN GRIER MURPHY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Morgan Grier Murphy, who from 1943 until his death last week at the age of 78, was a faithful servant, leader, and business innovator in Albany, GA.

I am proud to have been able to call Morgan a constituent during my 15 years in Congress. Through his leadership in the banking industry, he strengthened the economy of Dougherty County and Southwest Georgia. With his active involvement in the state and local Chambers of Commerce, his work with various environmental and conservation groups, as well as his commitment to One Albany, which addresses diversity issues within the community, Morgan managed to positively influence every major issue in the public sector. He opened up dialogue between formerly segregated parts of Albany, took difficult stances, and inspired others to make a difference.

Aside from his professional achievements, Morgan was widely known as a devoted husband, father, and grandfather. He was an avid sportsman who was passionate about hunting, fishing, and golfing.

A graduate of Albany High School and Brevard College in North Carolina, Morgan served his country in the United States Air Force during the Korean War. Following his time in the military, he returned to Albany where he began his career as a banker and lifelong public servant.

Morgan's death leaves a void among the Albany community. He had many passions, and managed to make an impact on many organizations. I find it improbable that just one person will fill his shoes in the community.

So, on this the 31st day of July, 2007, I commend Morgan Grier Murphy for his commitment to helping Albany, GA, helping it live up to its name of the ''Good Life'' city. Morgan truly tried to make life better for everyone.

HONORING THE ACCOMPLISHMENTS OF DR. W. RON DEHAVEN

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PETERSON of Minnesota. Madam Speaker, I rise today to honor the accomplishments and the retirement of Dr. W. Ron DeHaven of Crofton, MD. Dr. DeHaven has secured his legacy within the U.S. Department of Agriculture (USDA) and with the public he served during his 28 years with Animal and Plant Health Inspection Service (APHIS).

Dr. DeHaven will continue to shape the course of APHIS' work for some time to come due to the integrity and professionalism he brought to his role as APHIS administrator, and the initiatives begun under his leadership. In all of his activities, he repeatedly demonstrated a deep compassion for both animals and humans alike, including the thousands of employees who have served under his leadership.

His recent initiatives include, among others: the ongoing efforts to streamline the regulatory review for the imports of fruits and vegetables; creating electronic permitting systems for APHIS stakeholders; developing supervisory programs to keep the agency well-managed; and building international coordination and capacity for handling animal disease outbreaks.

In combination, Dr. DeHaven's many initiatives and his personal conviction for ''doing the right thing'' have set a high bar for those who follow him as Administrator. I want to thank Dr. DeHaven for his service to American agriculture and wish him well.

RECOVERING THE LEGACY OF THE UNDERGROUND RAILROAD

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. RANGEL. Mr. Speaker, I rise today in support of H.R. 2707, Mr. KUCINICH's resolution to reauthorize the Underground Railroad Educational and Cultural Program. I praise the initiative contained in this resolution to point out the historical, cultural, and educational legacy behind the Underground Railroad. It is through that network of tunnels and secret hiding places that many African Americans escaped slavery. As a symbol of freedom, the Underground Railroad deserves greater recognition and appreciation; regrettably many of its artifacts and secrets remain hidden and lost.

I have long believed in and fought for more and better education of African American history. Well, an important part of that history is contained in the struggle for freedom that characterized the slave experience. Some would have us believe that slaves passively accepted their captivity in the plantations in the South. The truth is there was an active resistance to slavery; which included periodic uprisings and constant efforts to escape. The full role and extent of the Underground Railroad has yet to be discovered and remains unknown. The legislation authorizes the Secretary of Education to sponsor studies and make grants for programs that promote knowledge of the Underground Railroad.

With the resources and technology available today, we owe it to the history of African Americans and the history of the United States to study, preserve, and make available to all the hidden secrets of the Underground Railroad. Secret routes and safehouses still remain unknown—secrets that may remain buried in our backyards.

The establishment of this facility would allow significant missing pieces in African American history to be properly studied and commemorated.

Through the passage of this legislation, the work of the National Park Service and its study of the phenomenon known as the Underground Railroad will be continued. Established by Congress in 1990, the National Park Service has made major progress in learning more about the secret routes and the processes used in escorting these fugitive slaves to freedom.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2007

Mr. BARTON of Texas. Mr. Speaker, I rise to speak about the emergency communications provisions in the H.R. 1 Conference Report.

September 11th and Hurricane Katrina were high-profile reminders that our first responders across the Nation cannot communicate with each other during an emergency.

Ensuring interoperable communications among 50,000 different public safety systems is no easy task. While the Department of Homeland Security has attempted to address this problem over the years, the agency spent $3 billion without achieving any measurable improvements. Meanwhile, the Energy and Commerce Committee, recognizing that this issue requires strong federal leadership, ushered through the passage of the Digital Television Transition and Public Safety Act of 2005 last Congress. That legislation not only cleared 24 MHz of spectrum for nationwide, interoperable public safety communications, it also provided $1 billion in grants for interoperable solutions, $156 million for a national alert and tsunami warning system, and $43.5 million for advanced 911 services.

The Energy and Commerce Committee also secured last Congress the creation of the Office of Emergency Communications so that there would be an entity of expertise within the Department of Homeland Security whose sole

focus and responsibility is solving the interoperability problem.

The legislation before us now has many shortcomings, including in the interoperability provisions, as I indicated in my conference statement. It is not a complete failure; however, as Title III at least establishes a targeted grant program specifically designed to achieve interoperability. It also places the experts in the Office of Emergency Communications in charge to try to ensure that the money will be spent wisely.

However, it is not surprising that this legislation is lacking. H.R. 1 was written behind closed doors. It skipped Committee and went straight to the Floor, where no amendments were allowed. I am deeply disappointed by this process, and the legislation itself.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

Mr. MOORE of Kansas. Mr. Speaker, I rise today to commend the House of Representatives for its approval of S. 1, legislation providing for the codification of important new lobbying and ethics rules. I also would like to take this opportunity to urge the Senate and President to promptly approve this important legislation.

I have been a longstanding supporter of efforts to make government more transparent, and to hold public officials and those who influence the legislative process accountable for their actions. Unfortunately, in recent years the influence of money in politics and a number of ethics scandals have tarnished the integrity of the Congress and led to increased public cynicism. There is a national crisis of confidence in our political system because of the influence of money in the legislative process, and the American people share a widely held belief that special interests, lobbyists, and the very wealthiest campaign contributors wield too much influence in government.

S. 1 is the logical continuation of the efforts that have already been undertaken in this Congress to provide greater transparency and to restore a sense of accountability to the Congress, and I am pleased that Congress is moving to establish new lobbying disclosure requirements and ethics enforcement mechanisms that will provide further additional deterrents to engaging in unethical behavior. I am also pleased that it would establish a new rule in the Senate regarding earmark transparency, specifically requiring that lists of earmarks, limited tax benefits, and limited tariff benefits included in bills, joint resolutions, or conference reports be made available on the Internet to the general public for at least 48 hours before consideration.

For several months I have advocated adding a similar requirement to the House rules so I am disappointed, however, that this requirement was not extended to the House of Representatives. In fact, on February 15, 2007, I introduced H. Res. 169, a House resolution that would bring the earmark disclosure requirements of the House in line with those of S. 1, which would ensure that lists of earmarks, limited tax benefits, and limited tariff benefits included in House bills, joint resolutions, or conference reports be made available on a publicly accessible website at least 48 hours before consideration. I believe that this is a commonsense reform to the House rules that would provide American taxpayers with easily accessible information on congressional earmarks and bring an additional level of transparency and accountability to the process. I encourage my colleagues in the House to join me in this to make the earmarking process in the House as open and transparent as possible.

HONORING JONATHAN ADAM HILD

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the memory of Jonathan Adam Hild, who was born on April 27, 1979 and passed away on May 29, 2007. Jonathan attended White Oak Elementary School in Parkville, Maryland and Timonium Elementary School in Timonium, Maryland. He attended Ridgely Middle School in Lutherville, Maryland before graduating from Dulaney High School in Timonium, Maryland. Jonathan graduated with an Associate Degree from Community College of Baltimore County in Catonsville, Maryland.

Jonathan was raised Catholic and received all of the sacraments from being baptized at birth to his confirmation in later years at the Church of the Immaculate Conception in Towson, Maryland. He attended Confraternity of Christian Doctrine at the Church of the Immaculate Conception for his First Communion, Penance and Confirmation classes and services.

Jonathan enjoyed building and fixing things from an early age. He was very mechanically savvy. As a boy he frequently rode his bike and enjoyed the outdoors. Jonathan liked sledding in the winter, and going to the beach in the summer. During his teen years and through his twenties he always wanted the best and loudest music system. In his bedroom he had a sound system that would be suitable for a night club and he had big speakers in the trunks of his cars. It often caused some brotherly confrontations with his brother Damon. He played softball during his elementary school years with Lutherville-Timonium Recreation Council. Jonathan also attended a summer day camp at Towson University during elementary school summer recess.

Jonathan's career included working at a printing and copy company, Cockeysville High School, Pierce's Plantation Restaurant, and as a self-employed licensed automobile wholesaler. Jonathan always loved cars and as an adult his favorite was BMW. He had several of them, but one red BMW 325i convertible was his favorite and for years he worked diligently to insure the car kept its brand new appearance inside and out. He enjoyed the BMW so much he drove it on a trip all the way down to southern Florida.

Jonathan loved spending time during the summer enjoying his jet skiing hobby. He owned his own jet ski and would take it out often near his home with friends. Always thinking of others, Jonathan would bring the jet ski down to Ocean City on vacation to share with all of his family. Jonathan is survived by his father, John Hild, his mother, Linda Hild, and his brother, Damon Hild.

Madam Speaker, I ask that you join with me today to honor the memory of Mr. Jonathan Adam Hild. Jonathan was an exceptional young man from Maryland who will be sorely missed by his family and friends.

HONORING CALVIN COPELAND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RANGEL. Madam Speaker, today I rise to pay tribute to Calvin Copeland, the legendary owner of Harlem's Copeland's Restaurant and Reliable Catering. I rise because while the kitchen of this Harlem staple may have served its last meal this past Sunday, it will always be open in the hearts of many a beacon of hope and great cuisine that you could call home.

Calvin Copeland, was born in Smithfield, Virginia, one of eight children and grew up in Newport News, VA with relatives when both his parents died. If you ask him, Copeland still remembers the names and addresses of all the restaurants and establishments where he worked since his first job in Virginia kitchens at the age of 13. He moved to New York in the late 1940s, where he married Rita Copeland, an Irish immigrant, who was a waitress at a New Jersey restaurant where he worked.

When Copeland arrived in New York, he thought, like many recent arrivals and immigrants that dream in our fine city today, that the streets in New York were paved with gold. He took any job he could, from dishwasher to bus boy to cook. Yet no matter where Calvin he was employed, he studied and watched the chefs and tried to pick up techniques. He worked from 3 p.m. to 12 a.m., seven days a week, for six years, and very often, never saw the sun set; and

The first Copeland's restaurant opened in 1967 in a cubbyhole on Broadway, between 148th and 149th Streets, around the comer from his present location. It was a dream that only came about after his Aunt Alma told him to take the money he had saved from working in restaurant kitchens all across Manhattan and open up his own place. By 1980, Copeland's Restaurant and Reliable Catering was established at its current location at 547 West 145th Street, its southern style foods a testament to both to Calvin's proud Virginia roots and his adopted family uptown.

I submit into the record the following two articles from the Associated Press and the New York Times that captures a piece of the important role Copeland played in the city and the neighborhood. For over five decades, Calvin Copeland been committed to his roots and his community, enduring through the riots of the 1960's, the crack epidemic of 1980's, personal financial ruin and even fire. He always found away through his cooking to keep people like me, Muhammad Ali, Richard Pryor, Stevie Wonder, David Dinkin, Harry Belafonte, Dakota Staton, Natalie Cole, Bishop Tutu,

Sammy Davis, Jr. and Michael Jackson as frequent and enthusiastic customers.

How? As any great chef will tell you—its not just about the food. It's not just about the presentation. It's about the entire package.

HARLEM RESTAURANT SERVES ITS LAST FRIED CHICKEN BRUNCH

(By Karen Matthews)

NEW YORK.—A soul food restaurant that survived rioting and looting could not survive gentrification.

Copeland's held its last brunch Sunday, closing for good after 50 years and bringing an end to one of the greatest restaurant runs in Harlem history.

''It's a sad occasion,'' diner Gloria Jackson said. ''You feel like a celebrity when you come here. They always cater to your every need.''

Owner Calvin Copeland, who opened the place on 145th Street with $850 in savings and saw it overcome hard times such as the riots of 1964, said the neighborhood's changing demographics no longer made it viable.

In recent years, middle-class black and white families have bought Harlem's handsome brownstones and fixed them up. They just didn't crave his savory fried chicken anymore.

''The transformation snuck up on me like a tornado,'' he said.

Copeland's denouncement brought out many elected officials including the dean of Harlem politicians, House Ways and Means Committee Chairman Charles Rangel. They all paid tribute to Copeland.

Rangel and others heaped praise on Copeland as high as their plates were piled with chicken, cornbread, potato salad and collard greens.

''You are more to us than a restaurateur,'' Rangel said. ''You're a legend. You're hope. And you're inspiration.''

The Rev. Calvin Butts, the influential pastor of the Abyssinian Baptist Church, thanked Copeland, 82, for his dedication and hard work and prayed ''that this will be a new day for him, a day of relaxation and enjoyment for the rest of his years.''

Proclamations were presented from Congress, from Gov. Eliot Spitzer, from the City Council and from the state Senate and Assembly.

''It's an institution,'' said Deputy Mayor Dennis Walcott, a 30-year patron of Copeland's. ''It's important to come out and say thank you and let Mr. Copeland know that we appreciate all he's done for the community.''

As Copeland thanked his customers Sunday, he left the door open for a Copeland's rebirth or for starting another restaurant somewhere else.

''With what you've showed me and how you feel about me, I think there's another chapter,'' he said. ''Going home with no place to go and no purpose, I don't think that could work for me.''

[From the New York Times, July 23, 2007]

HARLEM MAINSTAY SURVIVED RIOTS, BUT FALLS TO RENEWAL

(By Fernanda Santos)

Calvin Copeland was there when rioters burned and looted stores in 1964, when crack cocaine and AIDS tore families apart, when brownstones were for sale for $50,000 and few outsiders dared move in. He endured fire and financial ruin, yet each time he picked up the pieces and prospered, as bold and resilient as the neighborhood around him.

If he could be the master of his fate, he would live out his days in Harlem, Mr. Copeland, 82, said yesterday, serving soul food from the restaurant he has owned for almost five decades, Copeland's, a relic of the past anchored in a place fast in transition.

Gentrification has pushed away many of the black families who used to patronize his business. ''The white people who took their place don't like or don't care for the food I cook,'' he said. ''The transformation snuck up on me like a tornado.''

After falling behind on rent and bills a year ago, Mr. Copeland tried to hold on to his business, investing more than $250,000 of his savings, he said. Finally, in May, he acquiesced to defeat.

Copeland's, at 547 West 145th Street, between Broadway and Amsterdam Avenue, where Harlem is known as Hamilton Heights, will hold its last gospel brunch at 1 p.m. on Sunday and then close its doors for good.

''I just can't do it anymore,'' Mr. Copeland said.

With its smoke-mirrored walls, L-shaped marble bar and carpet the color of honey, Copeland's is at once cozy and de mode, a place where men in polyester suits and women in hats dine alongside European tourists who come to Harlem to experience American black culture.

Yesterday, Fred Staton, 92, a saxophonist with the Harlem Blues and Jazz Band, which plays on Sundays at the restaurant, stopped by to wish Mr. Copeland well. A tour group from the Netherlands had brunch there. Others, however, walked out after learning that the restaurant was not offering its usual Sunday gospel choir. (Mr. Copeland said he was too busy preparing for the final brunch to schedule entertainment.)

''The food here is delicious, and it's so sad to hear they'll be gone,'' said Martha Marsh, who has lived in Harlem for 40 years and said she regularly eats at Copeland's.

''She's picky,'' added her husband, John Henry. ''If she says she enjoys it, it's because the food is really good.''

Mr. Copeland started the business in 1958 as a catering service, one of Harlem's first, in a modest storefront on Broadway north of 148th Street. He had but one worker, Gertrude Clark, who still works for him. Mr. Copeland, who is black, baked and decorated cakes; Ms. Clark, who is white and grew up on a farm in upstate New York, did whatever else was needed, which often included preparing Southern fare.

''I had never eaten collard greens in my life, and there I was making fried chicken and souse meat,'' said Ms. Clark, 73. She is now Copeland's banquet manager.

Mr. Copeland eventually rented the store next door, opened up a hole in the wall, expanded the kitchen and started serving breakfast and lunch, cafeteria style. It was similar to the one in operation today next to the restaurant on 145th Street, which opened for business in 1980.

In 1981, the restaurant burned to the ground and the insurance company went bankrupt before it reimbursed Mr. Copeland for the losses.

''I lost everything, except for the liquor,'' he said with a chuckle. ''We had it in a separate room with concrete walls, and I guess the fire couldn't get through.''

At the time, banks were not prone to lending money to restaurant owners, especially if the restaurant was in a place as volatile as Harlem, which had had two riots prior to the one in 1964, incited by the fatal shooting of a black teenage boy by a white police officer. But Mr. Copeland had many friends, and one of them helped get him approved for a small loan. The rest of the money came from Ms. Clark, who mortgaged an upstate property to help her boss.

''If that thing didn't go, she would have lost her property, she would have lost her job, she would have lost everything of value she had,'' Mr. Copeland said. ''She had a lot of faith in me, and I delivered.''

Copeland's became a destination for black families from as far as Philadelphia. Black entertainers and other notables would stop by when in town. Desmond Tutu, the retired Anglican archbishop, ate there once, and so did Muhammad Ali and the comedian Richard Pryor, who threw money in the air when he left the restaurant so as to distract the crowd that had surrounded him, Mr. Copeland said. Natalie Cole is a regular. Michael Jackson came by once, but did not come in; one of the waiters took a plate of food to his vehicle, which was parked outside.

''I never paid attention to this stuff,'' Mr. Copeland said. ''I was too busy cooking.''

TRIBUTE TO COLONEL HOWARD CLARK

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. HODES. Madam Speaker, I rise today to honor the dedicated miltary service of retired Colonel Howard Clark, of Enfield, New Hampshire. Colonel Clark served his country honorably in the U.S. Army for thirty years, including two courageous tours of duty in Vietnam. He was awarded the Purple Heart for his bravery overseas, and continued his distinguished career in the military, including assignments at the Pentagon and as a Brigade Commander at Fort Benning, Georgia. His career was recognized with the award of the Legion of Merit for sustained superior performance.

Colonel and Mrs. Howard Clark are also celebrating their 50th Wedding Anniversary this summer. Together, Colonel and Mrs. Clark have served as a model of commitment, sacrifice, and selfless service to our country. It is a privilege to represent these two distinguished individuals in the United States Congress.

HONORING THE LIFE OF LOS ANGELES POLICE OFFICER DAVID RODRIGUEZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. SHERMAN. Madam Speaker, I rise today to honor the life and public service of Los Angeles City Police Officer David Rodriguez of the San Fernando Valley, whose achievements merit our recognition.

After graduating with honors from Van Nuys High School, he entered California State University Northridge, where he received a bachelor of arts in political science. During college he held several jobs, including an internship in my district office.

I was honored when I had the opportunity to recommend David for the Los Angeles Police Department Academy. I was proud when in 2003 he entered and graduated. David earned a reputation as an aggressive but by-the-book patrol officer and was recently promoted to the anti-gang unit. At 6 feet 2 and weighing 270 lbs he was a gentle and dedicated family man who took care of his ailing mother.

On July 29th, while on duty, Police Officer Rodriguez died during an automobile accident

when his patrol car skidded off the Ventura Freeway.

Words cannot express the sense of sadness we have for his family. David Rodriguez was a model first responder, whose bravery in death merits our admiration and respect.

PERSONAL EXPLANATION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GILCHREST. Madam Speaker, please let the record show that had I been present for rollcall vote No. 763, I would have voted "aye."

CELEBRATING THE NEW YORK LATINO FILM FESTIVAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. RANGEL. Madam Speaker, today I rise to congratulate one of my constituents, Calixto Chinchilla, on the completion of what has quickly become a New York film tradition: the New York International Latino Film Festival.

This past Sunday, Chinchilla and a group of dedicated volunteers and sponsors closed out another fantastic 5 days of film screenings and panels for the eighth straight year. Chinchilla, then a young marketing executive, founded the festival in 1999 to showcase the talent of the growing Hispanic community, at home and abroad.

Its crazy to think that despite's New York's immense Latino talent, there has never been a consistent side-by-side display of Spanish-language and English language films from all of Latin America and the U.S. But there wasn't. So he pulled together an event that looked to shatter stereotypes that society had about Latinos with films that came from all over the Hispanic Diaspora and that challenged notions that both mainstream society and the Latino community had when it came to race, ethnicity and class. He sought to do this in an environment where Hollywood could meet independent cinema, so that fresh faces could be brought to the stage and longtime community voices could be heard.

The journey has not been perfect, yet Chinchilla, current co-Executive Director Elizabeth Gardner and enthusiastic mix of veterans and newbie volunteers always seem to pull it off bigger and better each time around. Although many of the films are shown downtown, Chinchilla has made a habit of bringing the festival to other parts of the city during and after the summer festival. The only local festival to feature a night exclusively dedicated to Dominicans, NYILFF this year will also treat my constituents in Washington Heights with a family day filled with games, activities and movies for children.

I submit into the record two articles from the New York Daily News that provide a little more information about this year's showcase. It's just another example of the great body of artistic talent that has called and will continue to call Northern Manhattan home.

[From the New York Daily News, July 25, 2007]

PICTURES OF LATINO LIFE

(By Roberto Dominguez)

It took a few years for aspiring director Bruno Irizarry to get around to making a movie about the trouble many Latino actors have finding quality, nonstereotypical roles.

But Irizarry didn't hesitate when it came to submitting his feature-length film, "Shut Up and Do It!," to the one festival he knew would appreciate it.

The comedy is among the 80 or so features, shorts and documentaries at the New York International Latino Film Festival, now in its eighth year of showcasing new movies by or about Hispanics.

The festival was founded in 1999 by Calixto Chinchilla, at the time a Warner Bros. marketing employee, who felt the need to counteract the dearth of Latino themes and characters in mainstream movies.

"Shut Up and Do It!" is about a down-on-his-luck Latino actor compelled to make his own movie—and cast himself in it—because of a lack of good parts.

"To have my first film accepted into the festival has been a totally amazing experience," says Irizarry, 40, who directed the film together with Veronica Caicedo and also cast himself in a leading role—as a struggling actor.

"Most of the stuff in the movie has really happened to me as an actor trying to make it in New York," adds Irizarry.

"Like the characters, I was fed up and tired of casting directors seeing me for roles like 'Garbage Man No. 1.' But being in this festival has allowed me to start off my directing career with a bang, because it's so well-established."

That wasn't always the case. The first year's festival screened just a handful of movies at a community center in midtown that Chinchilla rented for a couple of nights.

It has since expanded into the largest event of its kind, with movies from both established and emerging filmmakers from across the U.S., Latin America and Spain. They're presented in several Manhattan locations, along with panel discussions, free outdoor screenings of classic movies (like "West Side Story") and themed evenings like Dominican Night—with the backing of corporate sponsors eager to tap into the buying power of the U.S. Latino market.

As the number of submissions from around the world has grown into the hundreds, so has the festival's reputation and prestige.

Director Alfredo De Villa, whose first feature, the low-budget drama "Washington Heights," was a festival darling five years ago, has seen his career grow as a result.

All three of his films have been screened at the fest over the years, and De Villa has gone on to work with several name actors, including Dominic Chianese of "The Sopranos" and Heather Graham, who star in De Villa's drama "Adrift in Manhattan."

"It's definitely like coming home," says De Villa of the festival. "As long as they'll have me, I'll keep bringing them movies."

In recent years, the festival has also become a springboard for bigger-budget projects—"El Cantante," produced by Jennifer Lopez and starring Marc Anthony as troubled salsa singer Hector Lavoe, is premiering at this year's fest before it hits theaters in August.

But according to Chinchilla, the true measure of the festival has been giving locals like Sonia Gonzalez the chance to display their work.

"They've always been very supportive of Latinos, but now it's become a really visible showcase for first-time filmmakers," says Gonzalez, whose documentary on New York stickball, "Bragging Rights," premieres today.

"To have a feature [at the festival]," she adds, "makes you feel like a celebrity."

[From the New York Daily News, July 11, 2007]

CITY'S LATINO FILM FEST IS BACK: BETTER, STRONGER, FEISTIER

(By Lewis Beale)

Talent-driven. That's the word on the eighth annual New York International Latino Film Festival, running for six days from July 24 to July 29 at venues around the city.

"This year is all about growth," says festival Executive Director Calixto Chinchilla. "Filmmakers are doing stronger stories. It's really about new talent; we have a lot of first-time filmmakers, and the stories are amazing."

Chinchilla points, for example, to "The Startup," in which some friends from Queens decide to move to Manhattan and eventually turn their Harlem brownstone into a youth hostel.

Describing the film as "like 'Swingers,'" Chinchilla notes how it shows that local Latino filmmakers "are raising the money, doing it by any means, and doing it well."

And it's not just New Yorkers who are an emerging film force. This year, the festival (nylatinofilm.com) is showcasing movies from Puerto Rico, which is experiencing a cinematic rebirth.

"Puerto Rico has recently begun to offer tax incentives to anyone who shoots on the island," Chinchilla says, "so you are getting stronger filmmakers who are getting the kind of support they've never had before. Puerto Rico is really committed to its cinema now."

But wait. There's more. Much, much more among the 80 films, including full-length features, shorts and documentaries.

Premieres include "El Cantante," the highly anticipated Jennifer López-Marc Anthony bio of salsa singer Héctor Lavoe; "El Muerto," a film Chinchilla describes as "like 'The Crow,'" a comic book adaptation done well, and "Trade," a film about international sex traffickers and featuring Kevin Kline.

"Trade," says Chinchilla, is "real, raw, sad and was written by [José Rivera], the guy who wrote 'The Motorcycle Diaries.' It's not for everybody, but it's a powerful piece and doesn't pull any punches."

Chinchilla, who also co-founded the festival, is particularly proud of this year's edition because of the way it has expanded to include more than just theatrical presentations.

"This year is more event-driven," he says. "There are more activities. There are outdoor screenings. It's become more than just a sit-down-in-a-theater thing. This was not in the original plan, but we've grown with the community."

So those who want to watch the Sharks and the Jets go at it again can see "West Side Story" at a free outdoor screening at Riverbank State Park on Saturday the 28th.

Panel discussions range from subjects dealing with women in film to how to pitch a film project to top producers and directors.

A free family day sponsored by the Cartoon Network features games and outdoor 'toon screenings. Dominican night will highlight the premiere of "Yuniol," a film from the island nation about two young men from wildly different social classes who interact in interesting ways.

And there are numerous documentaries, shorts, a "Rewind" section with screenings of "Carlito's Way" and "Crossover Dreams," plus feature films from Mexico, Chile, Cuba

("El Benny," about orchestra leader Beny Moré), Spain and Brazil.

Add it all up and it comes to this, Chinchilla says: "This is the most exciting roster we've ever had. It's diverse, focused, a solid slate of films."

COMMENDING CORPORAL JACOB L. KAREUS, UNITED STATES MARINE CORPS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. BOOZMAN. Madam Speaker, I wish to recognize and commend the courageous effort of Marine Corporal Jacob L. Kareus by entering into the RECORD the following letter:

MAY 29, 2007.

DEAR CONGRESSMAN BOOZMAN: I am writing to inform you of the performance of one of your constituents, Corporal Jacob L. Kareus, United States Marine Corps, son of John L. and Katherine D. Kareus of 7001 Ellsworth, Fort Smith, AR 72903.

Cpl Kareus recently returned from a seven-month deployment to Haditha, Iraq, with Company E of the Second Battalion, Third Marine Regiment. Upon our arrival, Haditha, a city of approximately 40,000 people on the Euphrates River in the restive Al Anbar Province, had a reputation as one of the most dangerous places in Iraq. Sunni insurgents frequently attacked Cpl Kareus' patrol with small arms fire, sniper fire, grenades and rocket and rifle vehicles. The insurgency maintained a close handle on the populace by an effective murder and intimidation campaign. Through their threatening and pressure of public officials and government workers, insurgents even controlled public works such as water and electricity. Only 15 Iraqi Police remained brave enough to work from the Marine forward operating base, while the recruitment of new policemen was nonexistent. Cpl Kareus and the rest of the Marines in Haditha were the tip of the spear in the Iraq counterinsurgency.

Through the heroic actions of your constituent, Cpl Kareus, the city of Haditha saw unprecedented progress. By his deployment's end, Haditha's police force numbered over 200 policemen and officers—many recruited from the people of Haditha—and they conducted operations independent of the Marines. Attacks on Iraqi Police and Marine patrols decreased from an average of 5–10 per day to a handful per month. Intelligence reports on insurgent activity flowed in regularly from the people. The populace, previously terrified to be associated with the Coalition, eagerly welcomed Marines and policemen into their homes for tea and conversation. The marketplace, or souk, bustled again, children played in the streets, and even teenage girls—previously prohibited by the insurgents from going to school—walked the streets five days per week in their school uniforms.

As his commander, I wanted to ensure you were aware of the hero from your great state of Arkansas. Cpl Kareus's selfless actions in Haditha honored his nation, his state, and his family. In an age where our ideals of courage and commitment and our resolve have waned, your constituent Cpl Kareus exemplifies the principles of self-sacrifice and dedication to a cause greater than himself.

Sincerely,

CAPTAIN M.W. TRACY,
Company Commander, Company E.

I wish to thank Captain Tracy for taking the time to write to me of the heroic service of Corporal Jacob Kareus and the Marines of Echo Company. I applaud Corporal Kareus's service to America, as well as to the people of Haditha.

The motto for the 3rd Marines is Fortes Fortuna Juvat, which translates to Fortune Favors the Strong. It is our good fortune that we have the strength of character of men and women like Corporal Jacob Kareus serving to protect the freedom of all Americans.

IN HONOR OF THE INTERNATIONAL FEDERATION FOR DISABLED SAILING: DISABLED SAILING WORLD CHAMPIONSHIP, 2007

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the International Association For Disabled Sailing World Championship scheduled to be hosted by the Rochester Yacht Club in Irondequoit, New York. The IFDS World Championship will consist of 170 competitors, including paralympic medalists and past world champions from twenty-eight different countries. These world class athletes will participate in a regatta on the waters of Lake Ontario.

A U.S.A. hosted, sanctioned World Championship, the IFDS World Championship will serve as a country qualifier for the 2008 Beijing Paralympic Games. It will also contribute locally by providing the net proceeds of the event to the Rochester Rehabilitation Center's Sportsnet Program, a collaboration of different clubs and organizations supporting the participation and inclusion of disabled individuals in a variety of sports.

The IFDS World Championship is an inspirational demonstration of strength and perseverance. Participation in this regatta will bring about further inclusion of the disabled in sports and encourage new generations of athletes to work hard in order to achieve what was once deemed impossible.

On behalf of the citizens of the 25th Congressional District of New York, I congratulate the organizers of the IFDS Disabled Sailing World Championship and the world class athletes involved. Best wishes for a successful competition.

IN HONOR OF JACKSON COUNTY'S 175TH ANNIVERSARY

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALBERG. Madam Speaker, let it be known, it is my special privilege to congratulate Jackson County on its 175th anniversary.

Jackson County was named after President Andrew Jackson and was formed on August 1, 1832. Growth in Jackson County took off, and the world's largest walled prison was built in 1838, followed by the Michigan Central Railroad in 1841 that sparked growth and led to the discovery and production of coal mining.

The diverse economy of Jackson County has grown the last 175 years to include: manufacturing, industry, medical and educational institutions, small business, and agriculture.

Some of the most beautiful scenery in the Midwest is in Jackson County. Residents and visitors recognize it for its many golf courses, hundreds of lakes, festivals, Michigan International Speedway, and acres of city and county parks.

Jackson County families are at the core of the community, supporting strong schools, family values and superior educational opportunities for everyone. Hundreds of churches and synagogues attest to the moral fabric that makes up Jackson County.

The citizens of Jackson County are its greatest resource. They continue to work together to provide a pleasant place to work, live, play and raise a family.

In special tribute, therefore, this document is signed and dedicated to honor Jackson County on its 175th anniversary. May the members of the Jackson County Community continue to benefit from the many wonderful attributes the county offers and seek to individually contribute to its growth and prosperity.

RECOGNIZING THE ACCOMPLISHMENTS OF JOSE LOZANO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today to recognize Jose Lozano for being honored with the American Public Gas Association Personal Achievement Award.

Mr. Lozano started working for Okaloosa Gas District in May of 1972 as a system engineer. He was later promoted to operations manager, then vice president of corporate services and subsequently senior vice president. Then in 2003, after dedicating over 30 years of service, he advanced to the top management position, chief executive officer for Okaloosa Gas District.

Over the years Lozano has seen remarkable growth of Okaloosa Gas District. When he first came to work, the District had around 10,000 customers. Today the District has well over 37,000 customers.

He has served on numerous committees and boards in regional, State and national associations such as American Gas Association, Southern Gas Association, Florida Natural Gas Association, and American Public Gas Association, APGA.

From the start, Jose was an active participant in the APGA serving on committees such as Government Relations, Operations and Safety, Regulatory, and the Transmission Integrity Task Force. He has been a valuable partner in enhancing the prestige of the APGA in both the region and the Nation, and has made substantial contributions towards the attainment of APGA goals. As the APGA has grown so has Jose's involvement with the organization. He currently serves on the board of directors for APGA and as the second vice-chairman for the APGA Research Foundation board of directors.

Madam Speaker, on behalf of the U.S. Congress, I am proud to recognize Jose Lozano for his exemplary career with the Okaloosa Gas District and wish him continued success.

ON THE INTRODUCTION OF VOLUNTARY STATE DISCOUNT PRESCRIPTION DRUG PLAN ACT OF 2007

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. VAN HOLLEN. Madam Speaker, I am pleased to introduce the Voluntary State Discount Prescription Drug Plan Act of 2007—a completely voluntary, commonsense way to offer prescription drugs at affordable prices to millions of Americans currently struggling without prescription drug coverage.

This legislation would enable States, at their option, to create State discount prescription drug plans that extend Medicaid-negotiated rebates to citizens up to 300 percent of the poverty line and thereby provide discounts of roughly 40 percent to 50 million uninsured Americans—all at their local pharmacies, all at no cost to the Federal or State Government. Just like HMOs and insurance plans in the private sector, participating States would simply leverage their purchasing power to secure better prices on behalf of their citizens. In that regard, our bill would explicitly authorize recent prescription drug affordability initiatives in States like Maryland, Maine, and Vermont by removing barriers that have needlessly blocked these efforts in the past.

In 2005, my home State of Maryland passed a State discount prescription drug plan law with the near unanimous support of our General Assembly and our then Republican Governor Robert Ehrlich. Unfortunately, that plan was subsequently blocked by the Bush administration's Center for Medicare & Medicaid Services, CMS, for reasons that have never been credibly explained. As a result, the broad bipartisan will of our State has been thwarted and hundreds of thousands of Marylanders have been deprived needed access to affordable prescription drugs. In fact, according to an analysis of U.S. Census data conducted by Families USA and the Center for Policy Alternatives, an estimated half million Marylanders would become eligible for immediate prescription drug price relief under this legislation.

Since these plans are created at the State level and don't impose any cost on the Federal Government, we don't believe States should have to ask the Federal Government's permission in order to establish them. For that reason, our legislation makes clear that Maryland—and any other State that chooses—can set up a State discount prescription drug plan without petitioning CMS for a section 1115 waiver. Additionally, since these plans rely on government purchasing power rather than government outlays to produce price discounts, we remove CMS's somewhat contrived requirement that states expend some undefined amount of their own money as part of these plans. Beyond modest administrative costs, it simply isn't necessary.

Madam Speaker, this legislation represents a significant opportunity to empower States to deliver prescription drug affordability to millions of our citizens who don't currently have it—at no cost to the Federal Government. I hope Congress seizes this opportunity, and I invite my colleagues' support.

150TH ANNIVERSARY OF JACKSON, COUNTY, MINNESOTA

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. WALZ of Minnesota. Madam Speaker, today I rise to commemorate the 150th anniversary of Jackson County, Minnesota.

The first settlers in what would become Jackson County were three brothers, William, George and Charles Wood. They established a trading post in the town of Springfield, which would later be renamed Jackson.

Jackson County was established on May 23rd, 1857, and named for Hon. Henry Jackson, the first merchant in St. Paul. The earliest years were not easy: Jackson, the county seat, was entirely deserted twice. But in 1865, settlers returned following the Civil War and put down their roots. Homes were built from native timber and prairie sod and a school house was constructed to serve the community.

From those early days, Jackson County has continued to grow. Today it is a leader in agriculture production and home to a beautiful courthouse and an historic state theatre.

I would like to congratulate the residents of Jackson County as they celebrate their 150th anniversary and wish them a bright future.

GOVERNMENT OF JAPAN TO APOLOGIZE

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mr. WU. Mr. Speaker, I rise today in support of H. Res. 121 to call on the Japanese government to formally and unequivocally acknowledge, apologize, and accept historical responsibility for its Imperial Army's coercion of young women, known as "comfort women," into sexual slavery during the World War II era.

I would first like to commend my distinguished colleague, Mr. HONDA, for introducing this important resolution and for his leadership and hard work on this critical matter. I further want to recognize the extraordinary friendship between Japan and the United States, a friendship which has spanned at least half a century.

This resolution is being considered today so that the truth about comfort women will remain in the history books.

An estimated 200,000 women were sexually exploited by the Japanese armed forces during Japan's military expansion and wartime occupation of Asia and the Pacific Islands from the 1930s through World War II. Although Koreans made up the majority of these euphemistically termed "comfort women," Chinese, Taiwanese, Filipino, Dutch, and Indonesian women also were victimized.

Comfort women were used for recreational sex by Japanese soldiers as a military strategy to increase the soldiers' efficiency. These women were mentally and physically dehumanized and subject to extreme sexual violence. Only a few hundred of these courageous survivors of the World War II horror are still alive today.

Undoubtedly, today's Japan is a world leader and a valued ally to the United States. It is not the intent of Congress to punish Japan, but to help Japan acknowledge comfort women as part of its wartime history. An official, unambiguous apology from the Japanese government for its wartime atrocities is vital for historical record, emotional healing, and the education of future generations.

I support this resolution, and I urge my colleagues to do the same.

LEGALIZING INTERNET SPORTS GAMBLING IS DANGEROUS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAYNE. Madam Speaker, I would like to address the troubling issue of gambling on sports. In the past couple of weeks, basketball fans throughout the Nation have been shocked and saddened by revelations that a referee was gambling on games he officiated, and may have affected the outcomes of those games. A player or referee gambling on his own game is probably the single greatest betrayal that can be committed against fans of the sport.

The temptation to sports corruption does not come out of nowhere. It comes out of a culture where many people turn a blind eye to the fact that sports gambling is illegal in 49 States. And, as USA Today reported, athletes and officials become vulnerable when they develop a gambling problem on other sports, or even on other types of gambling.

I received a letter this week from the professional and collegiate sports associations—which I believe my colleague, the gentleman from New York (Mr. TOWNS), already placed in the RECORD—that reveals efforts in this Congress to legitimize sports gambling online. This is the last thing we need. We should help raise awareness of the threat that gambling poses to cherished American athletics. We should never put a stamp of approval on sports gambling.

Last year, I voted for the Unlawful Internet Gambling Enforcement Act of 2006, in part because our laws against sports gambling were being evaded and eroded by offshore gambling operators. Now the same companies we shooed out of the illegal marketplace in the U.S. last fall are back supporting H.R. 2046, which would license them to take bets, including sports bets, from Americans.

They have their slick arguments. They say the individual sports leagues can opt out—as if gambling on basketball could possibly be any more or less harmful than gambling on football or hockey or soccer. They say the bill will raise tax revenue. Well, the ways we can raise tax revenue are nearly infinite—that's no excuse for bad policy. They say legal gambling can be better monitored—but it was legal gambling that got Tom Donaghy deep in debt and drove him to turn to criminal gambling.

I agree with the sports associations and my colleague from New York (Mr. Towns) that the harms of sports gambling far outweigh any alleged benefits. I urge my colleagues to reject any efforts to legitimize sports gambling in this Nation.

TSA PROCUREMENT REFORM ACT OF 2007

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. CARNEY. Madam Speaker, today I am introducing the "TSA Procurement Reform Act of 2007." This Act will increase contracting transparency at the Transportation Security Administration (TSA), open opportunities for small businesses, and eliminate wasteful and duplicative bureaucracy. This Act is necessary because TSA was exempted from the near-universal federal contracting system, the Federal Acquisition Regulation (FAR), after the September 11th terrorist attacks.

It makes no sense that every other organization in the Department of Homeland Security—and the vast majority of the federal government—is governed by the Federal Acquisition Regulation, yet TSA plays by its own rules. Even while we are at war, the Department of Defense uses the FAR. This exemption for TSA creates an unnecessary layer of bureaucracy, decreases competition, and shuts out small businesses from too many contracting opportunities.

The legislation will repeal the TSA's exemption from federal contracting laws 180 days after enactment. The legislation is supported by a broad coalition from the oversight and business communities. Citizens Against Government Waste and the Professional Services Council—a trade association representing more than 220 federal contractors—both support the intent of this bill.

Years of contract mismanagement prove that there is no longer justification for the exemption. Over the last several years, the TSA has awarded contracts filled with wasteful spending, including a contract to Boeing that jumped from $508 million to $1.2 billion and a contract to Pearson Government Solutions that first cost $104 million and skyrocketed to $741 million in less than one year.

I look forward to working with my colleagues on both sides of the Capitol and both sides of the aisle to ensure that we strengthen our homeland security as much as possible and eliminate the many deficiencies at DHS and throughout the federal government impeding our Nation from being as safe as we would like.

CONGRATULATING MR. NED NORRIS, JR. ON HIS CHAIRMANSHIP OF THE TOHONO O'ODHAM NATION.

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to take the opportunity to honor the new Chairman of the Tohono O'odham Nation.

An exceptional citizen of my community and the Tohono O'odham Nation, Chairman Ned Norris, Jr., is from the remote village of Fresnal Canyon, in the Baboquivari District. He was elected to a 4-year term as the Chairman of the Tohono O'odham Nation earlier this spring.

Chairman Norris is in his 32nd year of serving the Tohono O'odham Nation. In May of 2003, he was elected to serve as Vice Chairman of the Tohono O'odham Nation. Both before and after holding the position of Vice Chairman, he worked with the Tohono O'odham Gaming Enterprise. Chairman Norris served as Assistant Director of Marketing and Public Relations, Director of Marketing & Public Relations, Casino Manager and Director of Community Relations. The Enterprise operates both Desert Diamond Casino locations in Tucson and Golden Ha:san Casino near Why, Arizona.

His service to his Tribe has been ongoing. In addition to holding the position of Chairman and Vice Chairman, he has also served as the Assistant Director of the Tribe's Children's Home; Court Advocate; Children's Court Judge; Court of Appeals Judge; Indian Child Welfare Specialist; Assistant Director of Tribal Social Services and Director of Tribal Government Operations. On February 1, 1993 Chairman Norris completed a 6 year Tohono O'odham Legislative Council appointment as (non-attorney) tribal Judge, the last 3 of those years as Chief Judge for the Judicial Branch.

Chairman Norris is also very involved in the surrounding community of Tucson, AZ. He is currently a board member of the Chicanos Por La Causa, Tucson Urban League, American Indian Association, Inc., and the University of Arizona—Arthritis Center Advisory Board; Tucson Metropolitan Education Commission; KUAT Communications Group-Advisory Board; and the Tucson Airport Authority-Advisory Board. Additionally he is a former board member of the Sunnyside Unified School District Governing Board; and a former Commissioner for the Tohono O'odham Nation's Tribal Employment Rights Office.

I would also like to acknowledge Isidro B. Lopez, as the new vice-chair of the Tohono O'odham Nation. His leadership and experience will serve Chairman Norris and the Nation well.

I would like to offer my congratulations to Ned Norris for his over three decades of service to his Nation and the people of Pima County and southern Arizona.

THE U.S.-CHINA COMPETITIVENESS AGENDA OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, today I am proud to join my good friend, the gentleman from Washington (Mr. LARSEN), in unveiling the bipartisan U.S.-China Competitiveness Agenda of 2007. This agenda includes four legislative priorities to expand America's influence in China and increase American competitiveness in the global marketplace.

As co-chairs of the bipartisan House U.S.-China Working Group, we are working in Congress to elevate the sophistication of our debate on U.S.-China issues. The U.S.-China Competitiveness Agenda provides Congress with a constructive legislative package to expand U.S. engagement with China while supporting key domestic and foreign policy objectives.

Along with two other Working Group members, Congresswoman SUSAN DAVIS (D–Calif.) and Congressman STEVE ISRAEL (D–N.Y.), we are introducing bipartisan legislation to expand America's diplomatic infrastructure in China, boost support to small- and medium-sized businesses exporting to the China market, increase funds for domestic Chinese language instruction and build new cooperative energy ties between the U.S. and China.

The U.S. has one embassy and four consulates in China, leaving more than 200 cities with a population greater than one million people with little to no American representation. Additionally, while 60 percent of U.S. exports go to the Asia-Pacific market, the U.S. contributes 100 times more dollars to Europe's Organization for Economic Cooperation and Development than to the Asia Pacific Economic Cooperation Forum.

My legislation, the U.S.-China Diplomatic Expansion Act of 2007, authorizes the construction of a new consulate in Wuhan (population eight million) and 10 smaller diplomatic posts in cities with more than a million people. The bill triples funding for public diplomacy, boosts funding for a range of language, student and teacher exchange programs, increases funding for rule of law initiatives and more than triples the U.S. contribution to Asia Pacific Economic Cooperation.

If we are serious about intellectual property rights, consumer product safety and economic competitiveness, we need a diplomatic infrastructure in China that reflects those priorities. We can't send more food inspectors to China to ensure the safety of imports if we don't have a place to put them. We can't work on issues like the theft of American patents, environmental protection, human rights and labor standards if we don't fund rule-of-law initiatives. My legislation would expand the diplomatic infrastructure to accomplish these objectives.

I am proud to co-sponsor three other bipartisan bills in the U.S.-China Competitiveness Agenda, including Mr. LARSEN's U.S.-China Market Engagement and Export Promotion Act of 2007, Ms. DAVIS' U.S.-Chinese Language Engagement Act of 2007 and Mr. ISRAEL's U.S.-China Energy Cooperation Act of 2007.

Mr. LARSEN's bill would help states establish export promotion offices in China and create a new China Market Advocate program at U.S. Export Assistance Centers around the nation. The bill provides assistance to small businesses for China trade missions and authorizes grants for Chinese business education programs.

I strongly support the U.S.-China Market Engagement and Export Promotion Act because we need innovative programs that support our small business exports and arm them with the tools they need to succeed in China.

Roughly 200 million students are learning English in China today. By contrast, only about 50,000 primary and secondary school students study Chinese in America. Ms. DAVIS' bill increases Chinese cultural studies and language acquisition for elementary, high school and college-age students. Grants would be available to fund university joint venture programs, virtual cultural exchanges with Chinese schools and intensive summer language instruction programs.

We have more than just a trade deficit with China—we also have a knowledge deficit. That is why I strongly support the U.S.-Chinese Language Engagement Act. We need additional funding for domestic Chinese language programs, educational exchanges and

Chinese teacher exchanges to fix this knowledge imbalance.

Recently declared the world's top polluter, China's power consumption increased more than 15 percent in the first half of 2007 alone. Mr. ISRAEL's bill authorizes new grants to fund U.S.-China energy and climate change education programs, along with joint research and development of carbon capture, sequestration technology, improved energy efficiency, and renewable energy sources.

In my view, China's connections to unstable energy markets like Iran, Sudan and Venezuela could set a foreign policy collision course with the United States. I strongly support the U.S.-China Energy Cooperation Act. To protect our environment and avoid future conflict, we need creative programs to boost U.S.-China energy cooperation.

I want to thank my colleagues for their hard work on this bipartisan agenda. I urge my colleagues to cosponsor all four bills and move quickly to enact this legislation into law.

PUBLIC SAFETY TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I am pleased to introduce the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals. First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from Federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our Federal Government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via Federal taxation, and that is something this bill specifically does as well.

President George Bush has called on Americans to volunteer their time and energy to enhancing public safety. Shouldn't Congress do its part by reducing taxes that discourage public safety volunteerism? Shouldn't Congress also show its appreciation to police officers and fire fighters by reducing their taxes? I believe the answer to both of these questions is a resounding "Yes" and therefore I am proud to introduce the Public Safety Tax Cut Act. I request that my fellow Members join in support of this key legislation.

IN MEMORY OF JANE GRAVES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Jane Graves of Nashville, Arkansas, who passed away July 30, 2007, at the age of 58.

Jane Graves was a beacon of light and hope to all of those who knew her and were blessed to call her friend. As someone who was determined in her fight against cancer, Jane completed a victory lap less than two months ago at the American Cancer Society's Relay for Life, marking her fourth year as a cancer survivor. As encouragement for countless others fighting cancer, Jane used her talents through her writing to tell of her experiences. Through a series of inspirational articles, she literally changed and impacted the lives of numerous cancer survivors she never even had the opportunity to meet.

The victory lap during the Relay for Life was symbolic of more than Jane's bout with cancer, it was also representative of her selfless nature in life. She took great joy in helping others and worked tirelessly to create a strong sense of community in Nashville. As a co-founder and co-publisher of the Nashville Leader, she was a highly acclaimed and respected journalist who consistently kept the residents of Nashville informed with the latest news and community events. Her coverage earned her awards from the Arkansas Press Association, the National Newspaper Association and the National Federation of Press Women, among others.

During her 35 years in Nashville, Jane was determined to leave her mark not just as a journalist, but also as an activist. She helped found the annual Howard County Children's benefit golf tournament, she was a recipient of the Chamber of Commerce Woman of the Year Award, she was a board member of the Howard County Children's Center and she served as a past President of the Nashville Rotary Club.

I send my deepest condolences to her husband, Louie Graves of Nashville; her daughter Julie Murphy of Little Rock; her mother Glenna Siddon and stepfather Rupert Mobbs of Greenbrier; her brother and sister-in-law Bill and Pam Siddon of Great Falls, Virginia; and several nieces and nephews. Jane Graves will be greatly missed in Nashville, Southwest Arkansas and throughout the state of Arkansas, and I will continue to keep her family in my thoughts and prayers.

STUDENT AND TEACHER SAFETY ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, I rise today to introduce the Student and Teacher Safety Act. As a former teacher, I understand that when you enter the classroom you develop a sense of feeling safe and protected from the violence of the outside world. The classroom is meant to be a place where our children's minds can be developed and nurtured. Students should be focused on pursuing their dreams, not worrying about drugs and violence in the classroom.

Columbine High School, Colorado; in my own district at Hubbard Wood School in Winnetkal; and most recently on the campus of Virginia Tech. Each of these schools and many others had their sense of safety shattered when they were subject to attack by an individual with a gun.

The Student and Teacher Safety Act will help promote a safer school environment by allowing full-time teachers the right to search a student or their property should they have reasonable suspicion that a weapon or illegal drugs have entered their classroom. The legislation simply codifies guidelines established by the U.S. Supreme Court in New Jersey v. TLO (1985), which states that reasonable searches by school officials do not require a warrant signed by a judge if the search would reveal that the student violated the law or school rules and asks school districts to develop and implement a policy on school safety.

Teachers know their students. They know when a student is acting suspicious or that there is a problem. We must trust their instincts when they believe that their classroom is at risk. We also must protect these teachers from the risk of being punished or sued for following their instinct. Students have the right to a safe learning environment and teachers have the right to a safe workplace.

The Student and Teacher Safety Act passed the 109th Congress unopposed. The nation's largest teacher union, the National Education Association, supports the bill and believes "that a safe and effective learning climate is necessary for promoting educational excellence in public schools." As I have said before, if this bill helps one teacher stop one Columbine massacre, then Congress will have served the Nation well and protected its children.

POLICE SECURITY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I am pleased to help America's law enforcement officers by introducing the Police Security Protection Act. This legislation provides police officers a tax credit for the purchase of armored vests.

Professional law enforcement officers put their lives on the line each and every day. Reducing the tax liability of law enforcement officers so they can afford armored vests is one of the best ways Congress can help and encourage these brave men and women. After all, an armored vest could literally make the difference between life or death for a police officer. I hope my colleagues will join me in helping our Nation's law enforcement officers by cosponsoring the Police Security Protection Act.

RECOGNIZING MR. TOM PRICE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. TIBERI. Madam Speaker, It is my pleasure to recognize Tom Price for his induction to the Ohio Agricultural Hall of Fame.

Agriculture has always been a cornerstone of our State's way of life. As leaders in the community and the economy, farmers have provided invaluable service to Ohio since its inception. Therefore, those who contribute to the furtherance of agriculture in our State deserve to be placed among the ranks of our finest citizens. The Ohio Agriculture Hall of Fame is an institution that honors individuals who have made outstanding contributions through lifetimes of service and dedication to our State's agriculture industry.

Tom Price has dedicated his life to central Ohio's farming community. Throughout his career he has shared his experiences by teaching classes at The Ohio State University. He has served on numerous councils, continually being recognized by state leaders, county farm bureaus and local agriculture councils for his efforts. Finally, he has made a lasting impression on his community by improving relationships between Delaware County's rural and urban neighbors. In all areas of his career, Tom Price has worked hard to improve Ohio, sharing his expertise and developing partners in our community.

For his life of perseverant service to Ohio and consistent hard work toward the betterment of our fair State, I commend Tom Price upon his induction into the Ohio Agricultural Hall of Fame. He is truly deserving of this honor, one of the greatest our State's agricultural community can bestow.

I am pleased to commend him on this accomplishment.

EASTERN MICHIGAN UNIVERSITY HIDES THE TRUTH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. POE. Madam Speaker, when they send their son or daughter off to college this fall, millions of parents will be counting on these educational institutions to take the reasonable steps to keep them safe. After reading an editorial, ''Campus security is a crime'', in USA Today, I'm afraid that trust may be misplaced.

Last December, Eastern Michigan University, EMU, student Laura Dickinson was raped and murdered in her own residence hall room. The campus police immediately opened a homicide investigation and called in the State police for help. Campus officials, however, issued a press release saying there was no reason to suspect foul play. In an especially unconscionable act, they even led the young woman's parents to believe she had died from a preexisting heart condition.

This cover-up was not exposed until more than 2 months later when police arrested another student, apparently unknown to the victim, and charged him in connection with the crimes. For more than 2 months, students were not told that a rapist and murderer was free amongst them lulling them into a false sense of security. When they found out they were outraged and I share their outrage. We owe America's college students and their families better.

As horrific as this is it isn't a new problem. After the chillingly similar rape and murder of Jeanne Clery at Lehigh University in 1986, Congress examined the scope of campus crime and found that cover-ups and violations of victims' rights were rampant. In response, the Crime Awareness and Campus Security Act of 1990 was adopted to require colleges to be up-front about their crime and respect victims' rights. In 1998 it was renamed the Jeanne Clery Act in memory of the student who had inspired it.

The problem, however, as USA Today points out, is that this law isn't being properly enforced. Even though there are more than 6,000 institutions of postsecondary education between 1994 and 2006 only 17 Clery Act specific reviews were conducted by the U.S. Department of Education, the agency charged with enforcing the Act. An even smaller number, three, were fined for violations.

This has led to widespread violations of the Act. Only about a third of all institutions properly comply with the Act according to a report issued by the U.S. Department of Justice in December of 2005. Simply put, their chances of getting caught are very small and the chances of being punished are virtually nonexistent. As a former judge, let me tell you, when there are no consequences for wrongdoing it won't stop.

In an investigation called for by Security On Campus, Inc., a national non-profit victims' rights group co-founded by Jeanne Clery's parents Connie and Howard, the Education Department found that EMU had not only violated the Clery Act by failing to warn their students about the murder, but also had an extensive history of violations. They should face significant fines for these violations and other schools need to know that they too will face a penalty if they lie about campus violence. Once the U.S. Department of Education finally begins taking the Clery Act seriously colleges and universities will too.

That's just the way it is.

THE EDUCATION ASSESSMENT TECHNICAL CORRECTIONS ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, today I am introducing a bill that will improve No Child Left Behind, NCLB, implementation while maintaining its important accountability provisions.

NCLB provides a crucial level of accountability for the results of study in the classroom. While this change was welcome on both sides of the aisle, this law did present some technical problems in its ground-breaking measurement and assessment of education achievement. I hare worked closely with education specialists at the North Central Education Lab as well as local education professionals as part of my Education Advisory Board to gather data on current NCLB implementation. This work resulted in a White paper detailing areas of concern to my local schools, coupled with practical solutions to these problems.

Specifically, this Education Assessment Technical Corrections Act focuses on highly-qualified teacher requirements, determinations of Annual Yearly Progress, AYP, and NCLB sanctions. My legislation maintains NCLB's important accountability provisions while improving implementation of the law in these key areas.

Every child deserves an excellent teacher. Unfortunately, several schools are experiencing difficultly meeting the highly-qualified teacher requirements in certain hard-to-staff areas. Much like rural teachers were given relief through rules, teachers in ''hard to staff'' areas should be granted relief for the higly qualified teacher provision in the form of a two year extension. However, schools must demonstrate that they are working towards full compliance in order to qualify for the extension.

Secondly, I strongly support measuring AYP for students. However, current law does not measure individual student improvement, counts students under multiple sub-groups, and creates discrepancies between NCLB and the Individuals with Disabilities Education Act. My legislation ensures that students are compared for consecutive years rather than two different classes for the same school year, places equal weight on each student, and clarifies Individualized Education Program status under NCLB. All these changes still maintain accountbility measures under NCLB but provide more accurate assessments.

Now that this landmark legislation has been in effect for a few years, it is important we revisit its effects. My bill takes into consideration important practical concerns of my local school boards while staying true to the goals of NCLB. I am proud that this bill reflects the advice and counsel of the North Central Education Lab, my Education Advisory Board and the National Education Association. I want to pay special thanks to Dr. Paul Kimmelman,

the chairman of our 10th Congressional district Education Advisory Board, who led much of this work.

Madam Speaker, the Education Assessment Technical Corrections Act represents a strong bipartisan consensus, backed by school management and unions, to make the job of defining success and education achievement more accurate and useful.

INTRODUCTION OF THE CONGRESSIONAL RESPONSIBILITY AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Congressional Responsibility and Accountability Act. This bill requires Congress to specifically authorize via legislation any proposed federal regulation that will impose costs on any individual of at least $5,000, impose costs on a business or other private organization of at least $25,000, or impose aggregate costs on the American people of at least $250,000, or cause any American to lose his or her job.

According to some legal experts, at least three-quarters of all federal laws consist of regulations promulgated by federal agencies without the consent, or even the review of, Congress. Allowing unelected, and thus unaccountable, executive agencies to make law undermines democracy. Law-making by executive agencies also violates the intent of the drafters of the Constitution to separate legislative and executive powers. The drafters of the Constitution correctly viewed separation of powers as a cornerstone of republican government and a key to protecting individual liberty from excessive and arbitrary government power.

Congress's delegation of lawmaking authority to unelected bureaucrats has created a system that seems to owe more to the writings of Franz Kafka than to the writings of James Madison. The volume of regulations promulgated by federal agencies and the constant introduction of new rules makes it impossible for most Americans to know with any certainty the federal laws, regulations, and rules they are required to obey. Thus, almost all Americans live with the danger that they may be hauled before a federal agency for an infraction they have no reasonable way of knowing is against the law.

While it is easy for Members of Congress to complain about out of control federal bureaucrats, it was Congress that gave these agencies the ability to create laws. Since Congress created the problem of lawmaking by regulatory agencies, it is up to Congress to fix the problem and make certain that all federal laws are passed by the people's elected representatives. Therefore, Madam Speaker, I urge my colleagues to cosponsor the Congressional Responsibility and Accountability Act.

GOVERNMENT OF JAPAN SHOULD APOLOGIZE

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2007

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Res. 121, of which I am a cosponsor, which expresses the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as ''comfort women,'' during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

As a co-chair of the Human Trafficking Caucus, I am all too familiar with the terrible problem of sexual slavery. H. Res. 121 reminds us that women throughout history have faced this type of inhumane treatment. According to the resolution, some textbooks used in Japanese schools downplay this tragedy, and public and private officials wish to rescind a 1993 statement by Chief Cabinet Secretary Yohei Kono, which expressed the Government of Japan's sincere apologies and remorse for the ordeal faced by the ''comfort women.'' I believe that if we are going to successfully combat this problem worldwide, nations must come to terms with their pasts so that such practices do not happen again in the future.

Human trafficking is a $10 billion worldwide industry and one of the largest organized crime rings in history. According to the State Department, approximately 800,000 people are trafficked across international borders for labor and commercial sex purposes each year; the number is in the millions when trafficking within borders is counted. While we have a lot of work ahead of us to end human trafficking, I believe that through our collective efforts, we can make a difference.

I want to commend Representative HONDA for sponsoring this legislation and for his tireless efforts to get this bill to the floor today. I am committed to ending modern-day slavery, and I urge all of my colleagues to support this legislation.

THE U.S.-CHINA LANGUAGE ENGAGEMENT ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the U.S.-China Language Engagement Act of 2007—a bill to close the knowledge deficit when it comes to our relationship with China.

It is little news to anyone that China is on the rise. With a population of over 1.3 billion people and the second largest economy in the world when measured by domestic purchasing power parity, China is poised to become a world power, economically, diplomatically, and militarily.

Yet at a time when China's influence on the world stage is increasing, our national understanding of the ''Middle Kingdom'' has not kept pace.

While an estimated 200 million Chinese school children are studying our language and culture, less than 50,000 American elementary and secondary students are studying Chinese.

The goal of the U.S.-China Language Engagement Act is to provide our schools with the resources they need to offer Chinese language instruction and cultural studies classes.

This important legislation would instruct the Department of Education to offer competitive grants to Local Education Agencies (LEAs) to develop and implement innovative Chinese language and cultural studies programs.

LEAs, in collaboration with institutions of higher education, may use grant funds to carry out intensive summer Chinese language instruction, link bilingual Chinese and English speakers with students and conduct virtual cultural exchanges with educational institutions in China. This bill is part of a broader legislative package seeking to improve our competitive edge and relationship with China.

Some may view China's resurgence as a threat. But today, Madam Speaker, I ask you to turn China's rise into an opportunity for United States citizens.

Through careful diplomacy, I believe China can become not only a competitor but also a partner. But we cannot have this dialogue if we cannot understand the Chinese people.

This is why I come before you today: to ask for your help in ensuring that the lines of communication between the United States and China stay open. Please support the U.S.-China Language Engagement Act and help bridge the language barrier and cross the cultural gap between future generations of Americans and the Chinese.

TRIBUTE TO WILLIAM ERNEST ''BILL'' WALSH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor the life of William Ernest ''Bill'' Walsh. Nicknamed ''The Genius'', Walsh revolutionized professional football and became a legend in the San Francisco Bay Area.

Recognized as one of the greatest football coaches of all time, he earned a host of awards throughout his career, culminating in his enshrinement in the Pro Football Hall of Fame.

After moving to the Bay Area as a teen, Walsh started his coaching career at Washington High School in Fremont. He quickly moved up the ranks, doing stints as an assistant coach at both the University of California at Berkeley and Stanford University before beginning his professional career with the Oakland Raiders in 1966. The next ten years saw him move on to the Cincinnati Bengals and the San Diego Chargers, until 1977 when Walsh returned to the Bay Area, this time as head coach at Stanford.

Two years later, Walsh received the appointment that was to place him in the top ranks of American professional football coaches—moving up the Peninsula to become head coach of the San Francisco 49ers.

Madam Speaker, when Bill Walsh joined the 49ers, their prospects seemed grim. Their

record from the previous season was 2–14; a record that was repeated in Walsh's first season. It was only through his calm determination and intelligence for which he became famous that the 49ers returned to greatness.

Two years later, in 1981, the 49ers won their first Super Bowl, and "The Genius" earned his nickname as an innovative strategist, expert motivator and brilliant coach. His revolutionary tactics were soon known throughout the football world as the "West Coast Offense." Walsh's next seven years with the 49ers saw two more Super Bowl victories, and two legendary Hall of Fame quarterbacks—Joe Montana and Steve Young—who thrived under their brilliant coach's tutelage.

Resigning from his position with the 49ers following his Super Bowl win in early 1989, Walsh moved on to become a broadcaster at NBC. Later he assumed various roles with Stanford's football team and the 49ers. Even after being diagnosed with leukemia in 2004, he worked through 2005 as interim athletic director at Stanford. He wrote two bestselling books, was a motivational speaker, and taught classes at Stanford's business school. No matter what he did, Bill Walsh was always known for his exceptional intelligence and professionalism.

Madam Speaker, Bill Walsh earned respect where ever he went through his intelligent approach to the game and his demeanor, both on and off the field. I am honored to pay tribute to this great professional football icon and a proud son of the Bay Area. With his passing earlier this week, he leaves behind a lasting legacy of successful protégés and reverent fans. I invite my colleagues today, to join me in honoring the life and the legacy of Bill Walsh—coach, leader, teacher and an outstanding American.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes:

Mr. CONYERS. Mr. Chairman, I rise in support of the passage of H.R. 3161, The 2008 Agriculture, Rural Development, Food and Drug Administration Appropriations bill. Chairwoman ROSA DELAURO has done excellent work to create fiscally and morally responsible legislation that reinvests in rural America, protects public health, improves nutritional standards for all Americans, all while transforming our future energy and conservation goals.

This legislation represents a new direction in the way we invest in our families and our farmers. It is a direction towards improving the health and well-being of all communities and to implement policies which put middle and working-class families center-stage. In rural America, H.R. 3161 provides significant increases to grants and loans for critical community facilities, affordable loans for low and moderate-income families in rural areas, with no increase in fees, and substantially increases affordable loans and grants for farm worker housing. There is also a large increase in funding for affordable home loans in rural areas that will ultimately double the number of homeowners from the 2002 level, by 2010.

In the areas of public health and nutrition, H.R. 3161 offers more than a billion dollars that will provide Americans with jobs in the food safety and inspection industry, improves food and drug safety regulations, and protects programs that feed women, infants, children, and the elderly. This bill increases funds for such programs as the Expanded Food and Nutrition Education, Fresh Fruit and Vegetable, and Simplified Summer Food programs that provide nutritious foods to children in low-income families, as well as specialty crop grants to encourage more fruit and vegetable consumption. Most importantly, in the Food Stamp Program, this bill not only increases funding to accommodate growing participation, but it excludes special pay for military personnel in eligibility determination, and rejects the administration's proposal to restrict eligibility for food stamps that will exclude needy families who are receiving certain other services.

The Agriculture Committee has also taken into consideration our need for renewable energy and conservation by allocating over $2 billion in funding for renewable energy loans and grants to businesses to grow our economy, create new jobs, lower energy prices, and reduce global warming. Furthermore, H.R. 3161 provides resources for research, aid to farmers and ranchers, and loans to businesses. The bill also restores many programs the President would have cut or eliminated, including the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs.

Mr. Chairman, I am extremely proud of my colleagues for their efforts in maintaining the lifeline of all Americans—our farms, nutrition, and energy policies.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2007

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 3161, which strengthens our rural communities, while making sure that the American people have adequate, safe and nutritious food to eat. Let me commend the Chairwoman of the Subcommittee, Ms. DELAURO, for her exceptional leadership in crafting such extraordinary legislation to combat hunger, obesity and malnutrition in our nation and around the world. That is why I strongly support this bill.

Mr. Chairman, H.R. 3161 allows us to reinvest in the often forgotten but most vitally important rural areas of America. H.R. 3161 is designed to sustain the vitality of rural America, as well as protecting public health and food safety, improving nutrition and healthy eating, and promoting renewable energy and conservation in America.

Mr. Chairman, more than 3 million households in the rural America continue to have inadequate or no water or sewer service at all. H.R. 3161 is the solution to this disparity in that it provides $500 million for rural water and waste disposal grants, a 14 percent increase over 2007, and $1 billion for water and waste direct loans for the fiscal year.

Mr. Chairman, recent food scares—about peanut butter and lettuce—have made Americans nervous about where their food originates. H.R. 3161 tackles these concerns and addresses the importance of food safety. This bill fully funds the Food Safety and Inspection Service at USDA, shifts funds to fill vacancies in federal meat inspector positions, invests in research, and funds a transformation of FDA food safety regulations. It also prohibits imported poultry products from China, and sets a timeline for USDA to implement critical country of origin labeling for our meat supply after 6 years of Republican delays.

In addition, H.R. 3161 provides a special supplemental nutritional program for women, infants, and children other known as (WIC). This provision is so essential because it affords many women, especially women of color in lower income brackets, the opportunity to care for themselves and their newborns after birth. Without programs such as WIC, many mothers would not be able to maintain a healthy lifestyle during pregnancies and after childbirth. Because of WIC, mothers can afford their nutritional foods they need to sustain their pregnancies and avoid miscarriages, stillbirths and defects caused by malnourishment during pregnancy. H.R. 3161 invests $233.4 million (4 percent) more than the President to feed more than 8 million pregnant women, mothers and children next year.

Mr. Chairman, hunger is not a problem facing not only the international community faces, but it is also a problem in our own country. Many women, children, and the elderly should not wake and go to bed hungry in our great Nation, but tragically this happens all too often in the cities and villages and small towns of our great country.

The commodity supplemental food program provides $500,000 monthly in the year 2007. H.R. 3161 increases funding in this area to allow people in five additional states to participate in the program and expand those getting food in states already in the program. In addition, under the Food Stamp Benefit provision, H.R. 3161 protects the most vulnerable and helpless; families of soldiers in combat. Like the recently passed Farm bill, the measure ensures that the families of soldiers in combat are not penalized under the Food Stamp program. It also rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Mr. Chairman, let us remember that 1 in 3 American adults is overweight or obese and more than 9 million children are struggling with obesity. H.R. 3161 aims to improve the eating habits of Americans, particularly our children through programs that teach children about healthy eating. H.R. 3161 increases funding for nutrition programs, including the Expanded Food and Nutrition Education Program, which broadens Fresh Fruit and Vegetable and Simplified Summer Food programs to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption.

Obesity is associated with 35 major diseases including chronic and life-threatening conditions such as cancer, diabetes and heart disease. It is important to keep our Nation healthy by providing access to high consumption of vegetables and fruits to the future of our great country, our children. By supporting H.R. 3161 we assure a healthy consumption of nutritional foods for children whose only crime is that their families are poor.

Mr. Chairman, H.R. 3161 is essential because it addresses one of the most staggering causes of death in children: malnutrition. Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under the age of five worldwide and is responsible in whole or in part for more than half of all deaths of children. Malnutrition kills approximately one million children each year, or an average of one every thirty seconds.

These statistics are absolutely frightening and simply intolerable. They are also avoidable. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

Mr. Chairman, H.R. 3161 recognizes the importance of helping our neighbors in combating the hunger. H.R. 3161 provides funding for the Foreign Agricultural Service in the amount of $159,136,000 and transfers of $4,985,000, for a total salaries and expenses level of $164,121,000, an increase of $2,817,000 above the amount available for fiscal year 2007 and a decrease of $9,073,000 below the budget request.

In addition, H.R. 3161 permits the United States Agency for International Development (USAID) to use up to 25 percent of the funds appropriated for local or regional purchase of food to assist people threatened by a food security crisis.

Mr. Chairman, if it were not for grants such as the McGovern-Dole International Food for Education and Child Nutrition Program many foreigners would have no other choice than to leave their native country in pursuit of a better life. In my very own office, I have a future international human rights lawyer by the name of Onyinyechi Abigail Nwaohuocha, who recently traveled to Cambodia and witnessed firsthand the devastation caused by food shortage and underdeveloped agricultural programs.

Mr. Chairman, H.R. 3161 reminds us that it is important for the United States to foster a relationship with other parts of the world, so that citizens of developing countries can also have basic rights such as sufficient amounts of food. The McGovern-Dole International Food program is funded in this bill in the amount of $100,000,000, an increase of $1,000,000 above the amount available for fiscal year 2007, and the same as the budget request.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program fights child hunger and poverty by supporting school feeding operations, which provide nutritious meals to children in schools. This simple formula has been proven to be a success. Because of such programs, students are better able to concentrate and learn more quickly on a full stomach. Enrollment and attendance rates have skyrocketed as a result of school feeding programs, particularly among girls who are too often denied an education.

Mr. Chairman, there are 110 million school-aged children suffering from hunger every day, and they are counting on America's leadership and generosity to provide them with an opportunity to break the cycle of poverty. This bill provides that leadership and generosity and it is for this reason that I urge my colleagues to join me in voting for its passage by an overwhelming margin.

ADDRESSES OF SPEAKER OF THE HOUSE OF REPRESENTATIVES NANCY PELOSI AND SPEAKER OF KNESSET AND ACTING PRESIDENT OF ISRAEL DALIA ITZIK AT U.S.-ISRAEL FRIENDSHIP EVENT IN JERUSALEM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LANTOS. Madam Speaker, earlier this year in Jerusalem in the Israeli Knesset, the Speaker of the House of Representatives, was honored at one of the most moving and significant ceremonies that I have witnessed as a Member of the United States Congress.

The distinguished Speaker of the House, our colleague NANCY PELOSI of California, and the congressional delegation with her as well as other Members of Congress were guests at a state dinner held in the Chagall State Hall of the Knesset in Jerusalem, the capital of Israel. I was honored to join five of our colleagues in the bipartisan delegation that accompanied our Speaker on this very special occasion.

The hall, as you know, Madam Speaker, is dominated by the magnificent tapestry designed by Jewish artist Marc Chagall. It is hard not to be touched emotionally to see in Chagall's tapestry the symbols of Jewish identity and Israeli statehood—Moses holding the tablets of the Ten Commandments, David wearing his crown and dancing as he plays the harp, the seven-branched candelabrum which was the symbol of the Temple of Solomon and today is the symbol of the modern State of Israel.

On this very special occasion Speaker PELOSI was welcomed to Israel by the Speaker of the Knesset Dalia Itzik, who at the time was also the Acting President of Israel. Following her warm and friendly welcoming remarks, Speaker PELOSI gave a moving statement on the strong and enduring ties that have linked the United States of America and the State of Israel since the day Israel was founded in 1948.

Madam Speaker, I ask that the welcoming address of Speaker Itzik and the outstanding address in response of Speaker PELOSI be placed in the RECORD, and I strongly urge my colleagues in the Congress to give these statements the thoughtful attention they deserve as important documents on the warm friendship between our two nations.

ADDRESS OF SPEAKER OF KNESSET AND ACTING PRESIDENT OF ISRAEL DALIA ITZIK

Madam Speaker of the House of Representatives of the United States, Ms. Nancy Pelosi; Members of the Delegation from the House of Representatives, Welcome to our House.

Madam Speaker, More than two hundred years have passed, and the impossible has now become possible. The United States House of Representatives elected a woman Speaker. It is true that there have been precedents in American democracy where women have held very high positions, but this is the first time that the House of Representatives has elected a woman to serve as Speaker. And it was you who achieved this high honor. (It took you over 230 years; it took us 58 years.)

Ms. Pelosi and members of the distinguished delegation, in less than 24 hours, tomorrow evening, the Jewish People will be enveloped in the sanctity of the Passover Festival. Millions of Jews—in Washington and in Jerusalem, in Tashkent and in Buenos Aires, in Sydney and in Budapest—will sit down together at their family Seder table. The Passover Festival is for us Jews our first and most ancient festival in our history, we have been remembering and celebrating this festival for some three thousand two hundred years. It was then that we became a nation. We went out from slavery to freedom. This was a formative event in our lives.

Another name for the Festival of Passover is the Festival of Freedom. Freedom and liberty form the chain that links us, the invisible chain that crosses continents and oceans from Jerusalem to Washington and back.

Madam Speaker, after two hundred and thirty years of independence, liberty is for you a dream that has already been realized. For us, after thousands of years, the dream is still being realized. We are an ancient People, whose roots are in the Bible and whose values are those of the Biblical prophets, while you are, so to speak, a relatively young nation and country. But we share the dream of liberty that ties us together with bonds of love.

We Israelis love the United States of America, not only because of your economic, military and political support and help. We love you because of that shared dream of liberty and the desire for peace. The Bible tells us ''Seek peace and pursue it'' (Psalms 34, 15), and you are our loyal partners in that unceasing search that has not yet ended.

Madam Speaker, the Members of the Knesset have just begun their Spring Recess. Nevertheless, many of them are here with us. Because of the Recess, we shall not be able to present to you, during your current visit, a day of normal parliamentary routine.

The Knesset is the location where decisions concerning the nation are taken. The Knesset reflects the unique nature of Israeli society in all its diversity. This is a society where Jews, Arabs, Druze and Circassians, veteran Israelis and new immigrants all live together. There are serious disputes between us.

There are disputes, and—although it may be difficult to believe—also points of agreement! And all this happens with complete

freedom of expression for all. The one thing that unites all the members of this multi-party and divided House is the hope for peace. In the State of Israel lives a nation that yearns for peace, wants peace and is ready to pay a heavy price for peace. At the same time, we remain aware of every danger. Israel does not have the luxury of allowing itself weakness, even for one moment.

Madam Speaker, you have come to a tiny country. We have only seven million citizens. A tiny country that has not known a single day of quiet since its establishment. A tiny country that appreciates, perhaps more than any other country in the world, the efforts of your country to put an end to terrorism.

You have come to a country that observes with both pain and great hope, the efforts of the great United States of America to eradicate the terrorist bases in Iraq, in Afghanistan and in other places.

We, who wake up each morning fearing for our children, we know how difficult it is for you in this just war, and from here, from Jerusalem, we send you our heartfelt blessing for your success and for the success of the free world.

When I met you in Washington a month ago, I invited you to come to visit Israel, and I am glad that you accepted my invitation. During that visit I invited Karnit Goldwasser to join me at our meeting. I saw how moved you were listening to Karnit. I saw how moved you were by the story of our kidnapped soldiers, Gilad Shalit, Eldad Regev, and Ehud Goldwasser.

I am proud to be the daughter of a nation whose ethical code sanctifies the principle that every soldier is everyone's soldier. Every missing soldier is greatly missed by us all and every prisoner of war is a prisoner who it is our duty to bring back home.

The commitment of the Bush administration to the Peace Process in our region is very important and precious for us. As also is the President's deep friendship for Israel. The intensive activity by the Secretary of State, in the spirit of President Bush's policy, is most important, and is part of an ongoing effort by generations of American Administrations.

This is an opportunity to say a big thank you, through you, to Israel's friends in Congress, and to express our appreciation to you and to them for all their many efforts on behalf of Israel and on behalf of regional stability. We are pleased to discover anew each time, that the support for Israel rises above any inter-party dispute in the United States.

Madam Speaker, distinguished Representatives, during your visit here in Israel you will have the opportunity to see personally the exceptional achievements of Israel during its fifty-eight years. Despite no less than ten wars, between which we experienced many horrifying acts of terrorism, we have set up a model country, with a flourishing modem economy, with ground-breaking research centers, dynamic culture and advanced education, welfare and health systems.

Madam Speaker, You bring here to our region a refreshing breeze of hope. Your upcoming visit to Damascus arouses, naturally, a political debate in your country and of course here too.

I believe in your worthy intentions. Perhaps this step—that may at this stage seem unpopular—that you intend to take when you leave here, will make it clear to the Syrian people and to the Syrian leadership, that they must abandon the axis of evil, that they must stop supporting terrorism and giving shelter to the terrorist's command posts, that they must make a real strategic choice that will bring hope to the citizens of Syria and to the citizens of the whole region.

Israel seeks peace; anyone who speaks of peace and displays an honest intention to seek peace will find an ear in Israel.

Sitting with us here this evening is Mrs. Nadia Cohen, whose husband, Eli Cohen, was executed by hanging in Damascus 42 years ago (in 1965). Nadia, and all of Israel, has been asking the Syrian Government for many long years, to allow the removal of Eli Cohen's bones for burial here in Israel. This would be an elementary human gesture. I hope that your visit will enable the President of Syria to finally take the decision that seems so necessary. By this act the Syrian President could indicate to the world and to us that something can nevertheless change.

Madam Speaker, and our distinguished guests, the members of your delegation, you have come here to a small country. We number only seven million citizens, but fourteen million arms are stretched wide open to receive you with a blessing of Shalom [peace] and with the traditional greeting of welcome—''B'ruchim HaBa'im'' [Blessed be those who arrive]. Please look upon this House, the Knesset, the principal and primary institution of Israeli democracy, as though it were your House too.

You are our brothers in the legislature and we see you and your fellow Americans as true friends of Israel. We appreciate your contribution to the strengthening of the security and strength of the State of Israel, and feel gratitude to all the American governments over the years.

B'ruchim atem bevo'achem'' [May you be blessed on your arrival]. And to all our other guests, who have come here to the Knesset today, I would like to take this opportunity to wish you a Happy Passover—Festival of Freedom—in the embrace of your families.

ADDRESS OF THE SPEAKER OF THE HOUSE NANCY PELOSI

Madame Speaker, Members of Knesset, Cabinet Ministers, Supreme Court Justices and Honored Guests. Thank you.

Speaker Itzik, I am deeply honored to accept your invitation to address this great democratic body. I salute you for your achievements as the Knesset's first woman Speaker.

I stand with you tonight, conscious of all that you and I owe to the hopes and dreams of generations of Israeli and American women. I think especially of Golda Meir, the stateswoman, leader, mother, and grandmother whose legacy we both share.

Thank you for the opportunity to bring a message from the House of Representatives—which we call the people's house—to this distinguished body and to the Israeli people.

There is an unshakable bond between America and Israel that grows out of our past and the fundamental values we share. That bond forms the foundation of our efforts for peace, for democracy, for human freedom. The bond between our nations points the way to the future—a democratic Israel at peace with her neighbors. That is essential for the stability that this region desires. And the pioneering, entrepreneurial spirit of both our nations is essential for the future all our citizens deserve.

We remember the oldest roots of our friendship today. We stand here in the City of Jerusalem, a home to the world's three major religions. We stand at the threshold of one of the holiest weeks in the Judeo-Christian calendar. Palm Sunday is ending and Passover is about to begin. In this moment, Jews and Christians alike celebrate the possibility of human redemption from slavery into freedom.

''Open for me the gates of righteousness,'' we sing in one of the season's best-loved Psalms, ''I will enter and give thanks to God.''

The journey toward freedom and peace is a journey of faith, a journey of hope, a journey of a lifetime or more. It is a journey our deepest values command us to undertake.

When Americans look at Israel, we see the hope and promise of that journey, The creation of Israel stands out as one of the greatest achievements of the 20th century, and as a beacon of hope to the world. President Truman's role in recognizing the new state just 11 minutes after its proclamation is a source of pride for Americans.

Forty years ago another American President, John F. Kennedy, summed up what binds Americans to Israel today when he said that Israel ''is the child of hope and the home of the brave. It carries the shield of democracy and it honors the sword of freedom.''

Americans have many political differences, but we stand united with Israel now and always. One example of that is the bipartisan Congressional delegation here with me tonight. We speak with one voice, in support of a secure Jewish state of Israel living in peace with her neighbors.

Let me take a moment to recognize them: Delegation Co-Chairman David Hobson; Chairman Tom Lantos, with whom I share representation of the great city of San Francisco; Chairman Henry Waxman; Chairman Nick Rahall; Chairwomen Louise Slaughter; Chairman Robert Wexler; and I am especially proud that our delegation includes Congressman Keith Ellison of Minnesota, the first American Muslim elected to Congress.

We are all honored to be here, and we are honored to be with Karnit Goldwasser, who has given the world the priceless gift of her courage. When I met her in Washington last month with Speaker Itzik, I was struck by the fact that she should be enjoying a young marriage but instead is traveling the world for her husband's sake, Ehud Goldwasser.

We are honored to be here with the families of Israel's kidnapped and missing soldiers. We must not forget any of them.

In the last year three more were kidnapped: Ehud Goldwasser, Eldad Regev and Gilad Shalit. I display their identification tags in the Speaker's office, and I carry them with me today. We must not rest until they are home. We will mention this to the president of Syria.

Americans know what it is to be brave in battle, and what it takes to be strong at home. Respect for Israel's courage and strength has bound our nations together since Israel's earliest days—something I remember from my own childhood and the tradition in which I was raised.

In 1947, a ship bound for Tel Aviv set sail from Baltimore, my native city, with a crew of young American volunteers. History remembers this ship as the Exodus 47. Its mission was to bring war survivors from the camps of Europe to live in Israel. It was one of the first times that Americans made Israel's cause our own.

At that time, my father was a Congressman and later Mayor of Baltimore. His support for a Jewish state began when he was one of a small number of Congressmen who lobbied Presidents Roosevelt and Truman first to do more to rescue Jews in Europe and later to support the creation of Israel.

I was fascinated to learn of Israel as a child through the Bible, where God spoke from a burning bush about a magical ''land flowing with milk and honey.''

I remember vividly learning about the state of Israel when my parents' friends Simon and Irene Sobeloff came home from a visit to Israel shortly after Israel's birth as a nation.

The Sobeloffs visited our home and regaled us with magnificent tales about this glorious

new country in the desert where courageous trailblazers were founding a democratic nation in their historic homeland. As a little girl, I was drawn to the stories of turning sand dunes to orange groves, draining swamps to create farmland, and creating cities where before there had been none.

And, with their stories, the Sobeloffs brought me a ring, which I just adored. It helped create an everlasting bond for me with Israel.

Our shared history and ideals unite us in the challenging present. For this reason, America's commitment to Israel's security is unshakable.

Israel faces existential threats that are also threats to America. We must track down terrorists at their sources; to protect our citizens, homes and businesses. We must counter the terrorists' vision of apocalypse and despair with our own clear pathway toward hope and dignity. We must do this with strength but also with wisdom.

Together, we must make sure that no more rockets rain down on Israel from Lebanon in the north. We must ensure a future in which parents can send their children to school and families can venture to markets without fear.

It has been almost nine months since Hezbollah's unprovoked attack on Israel. Yet, Hezbollah continues to violate the U.N. resolution that set conditions to end the violence. The 10,000 U.N. troops must be successful in preventing the shipments of weapons and supplies allowing Hezbollah to rearm. International forces in Lebanon must implement the U.N. resolution effectively.

Hezbollah must be disarmed.

And together, we must have a simple message for Tehran, whose support of Hezbollah is well known. Iran must not be allowed to have a nuclear weapon. The time to leverage all our power is now, and the way to do it is through diplomacy—with stronger sanctions and smarter policy choices.

Under Chairman Tom Lantos' leadership, the U.S. Congress is moving to put additional pressure on Iran by expanding and tightening our sanctions regime. I am certain that our Administration will use all of its influence with Security Council members and states in the region to see that they do the same.

Iran is not just an Israeli problem or a regional problem. Iran is a problem for the world.

In Iraq, we must move the war beyond the unstable status quo because instability in Iraq serves only the interests of our enemies.

We in Congress have a particular responsibility to make it clear that peace in Iraq must come first and foremost from the political choices of Iraqis. Even a military with the capabilities of the United States cannot create political consensus where none exists.

We in Congress will do everything in our power to seek a policy that makes the United States and our friends safer and the region more stable by sharing the responsibility for Iraq's stability with Iraqis and their neighbors.

Together, we must look to the future.

Israeli democracy is one of the cornerstones of a more stable and democratic Middle East. But that hopeful vision begins with a hard recognition: we all know that we cannot have peace without security, but we also cannot have security without peace.

I am concerned that some of those in the new Palestinian government remain committed to the destruction of Israel.

But I believe that the majority of Israelis, Palestinians, and Americans share our commitment to a future for Israel and the Palestinian people living side by side in peace and security.

Talking with responsible Palestinian partners is a wise investment in Israel's future. I know all of my Congressional colleagues join me in welcoming the agreement announced by Secretary Rice that Prime Minister Olmert and Palestinian Authority President Abbas will meet regularly.

The United States, as Israel's trusted friend and ally, has an irreplaceable role to play in achieving a lasting peace. The United States must have sustained high level engagement in the region to bring us closer to the day we all long for—when the entire Palestinian government is ready for peace.

Our efforts toward peace are part of a rich web of ties between our nations, ties that make not just the desert but a generation bloom.

Americans and Isaelis are pioneers and visionaries—our nations were built by people for whom obstacles like oceans, mountains, and deserts were the journey's beginning, not its end.

Israeli expertise and technology are helping protect cities and airports across America. Israeli medical technology saves the lives of American soldiers on the battlefield. Americans with reflux disease are diagnosed by a camera-in-a-pill developed here.

And American leaders in technology and biotechnology are exchanging their expertise in the global market with Israeli entrepreneurs with stunning results.

But I believe we can and will do more to build even stronger Israeli-American partnership for innovation in areas like alternative energy that are crucial to the future of both our countries.

From the negotiating table to the operating table, from the joy of a little girl's ring to the sadness of a missing soldier's dog tags, we find proofs of our deep friendship in the most unexpected places.

Another one of there places is outside Haifa, where there is a soccer stadium that many of you know as Kiryat Haim. I understand that it has seen better days, but it is used by children everyday and has a special place in the hearts of many Israelis. Older Israelis remember its glory days hosting top Haifa teams. Thousands of younger Israelis themselves learned to play there or follow the careers of star players, Jews and Arabs alike, who got their start there.

That stadium has a place in my heart as well. In 1968, it was named for my brother Thomas D'Alesandro, who, as mayor of Baltimore, carried on my father's support of Israel.

It is a great source of pride to our family that our name is shared with such a beloved Israeli institution. It is one of the reasons it is easy for me to represent America's love for the people of Israel.

Tonight I thank you for the warmth of your hospitality and I applaud you for the example of your courage.

Madam Speaker, please accept my deepest appreciation for this opportunity to express America's commitment to Israel. This occasion is one of the great joys of my life.

America and Israel share a common history—nations founded to be beacons of democracy, forged by pioneers, fulfilled by immigrants. We share a common future—as entrepreneurs and innovators, building the kind of world that we dream of for our children's children. And we share a common cause—a safe and secure Israel living in peace with her neighbors. Let us join together to recommit ourselves to the best of our heritage, and together look to the future.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this has been a unique opportunity for a select group of secondary education teachers of American history and government.

This week-long workshop is designed to help educators improve the knowledge and understanding of the ''People's House.'' One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow will prepare his or her brief lesson plan on a Congressional topic of their choosing, and these plans will become part of a teaching resource database on the House.

During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government.

Over the next 5 years, in selecting a teacher from every congressional district, the House Fellows Program will be able to impact over 10,000 high school teachers, providing an inside account of how the House of Representatives functions, energizing thousands of students to become informed and active citizens.

I had the honor of meeting the Fellows last night and know that all Members will join me in congratulating the following teachers who have successfully participated in this week's program:

Mr. Frank Coburn, Red Bird Mission School, Beverly, Kentucky (KY05, Rogers); Ms. Jennifer Collier, Mt. Diablo High School, Concord, California (CA07, Miller); Ms. Deborah Hejl, Fishers High School, Fishers, Indiana (IN05, Burton); Mr. Paul Hodges, PikeView High School, Mercer County, West Virginia (WV03, Rahall); Mr. Rick Kelm, Ripon High School, Ripon, Wisconsin (WI06, Petri); Ms. Tisha Menchhofer, Lakota East High School, Liberty Township, Ohio (OH08, Boehner); Mr. Christopher Lazarski, Wauwatosa West High School, Wauwatosa, Wisconsin (WI05, Sensenbrenner); Mr. Christopher Swanson, Cloquet Senior High School, Cloquet, Minnesota (MN08, Oberstar); Ms. Robin Wanosky, Weston High School, Weston, Massachusetts (MA07, Markey); Ms. Erin Wigginton, Pulaski County High School, Dublin, Virginia (VA09, Boucher).

As many of my colleagues already know, the first bill I sponsored upon becoming a Member of Congress in 1999 was the History of the House Awareness and Preservation Act, which directed the Librarian of Congress to oversee the writing of a history of the House of Representatives. Once this bill was signed into law (P.L. 106–99), the Librarian of Congress very wisely chose the eminent historian and author, Dr. Robert V. Remini, to write the history, which was published in 2006 under the title of The House. The project was

so well received that the Speaker of the House re-established the Office of the Historian in 2005 and appointed Dr. Remini as the House Historian.

Madam Speaker, I would like to urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Under the leadership of Dr. Remini and Dr. Fred Beuttler, along with their staff; Michael Cronin, Anthony Wallis, interns Michael Weiss and Laura Neff; the Office of the Historian is dedicated to fulfilling the goals of the History of the House Awareness and Preservation Act by conserving and presenting the history of the House of Representatives, the ''People's House.''

BAD POLLUTERS ACT (H.R. 3276)

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2007

Mr. KIRK. Madam Speaker, I am pleased to stand here today with (originals) and introduce legislation that will help protect the Great Lakes from harmful pollution that poisons our water and closes our beaches. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than forty million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

British Petroleum (BP) will soon begin a $3.8 billion expansion of its refinery facility in Whiting, Indiana. Based on a provision in the Energy Policy Act of 2005, BP is eligible for a tax credit that will allow them half of the capital expense costs in the first year of the expansion. This expansion currently includes a large increase of pollution into the Great Lakes. The facility was recently issued a National Pollutant Discharge Elimination System (NPDES) permit which will allow it to discharge an increase of 54 percent more ammonia and 35 percent more sludge into Lake Michigan per day. This will total a combined increase of more than 1,800 pounds per day of these pollutants which strangle aquatic life and contribute to the increasing number of beach closures each year.

While providing incentives to energy production and refinery expansion helps to lower gas prices and reduce our dependence on foreign oil, we must not do so at the expense of one of America's most treasured natural resources.

That is why I am introducing the Bad Polluters Act which will deny the capital expensing tax credit to any refiner whose facility's NPDES permit allows for an increase in any pollutant above its 2006 levels into the Great Lakes. This will prevent companies, such as BP, from seeking to increase pollution into our drinking water. In order to claim this important tax credit, companies will be forced to search a bit harder for a new solution to water treatment. I urge my colleagues to support this legislation and join in the fight to protect our national treasure.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 976, the State Children's Insurance Program Amendment Act (SCHIP Act).

Senate agreed to the conference report to accompany H.R. 2272, 21st Century Competitiveness Act.

Senate concurred in the amendment of the House to S. 1, Legislative Transparency and Accountability Act.

The House passed H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008.

Senate

Chamber Action

Routine Proceedings, pages S10685–S10848

Measures Introduced: Fifty one bills and seven resolutions were introduced, as follows: S. 1934–1984, and S. Res. 292–298. **Pages S10787–88**

Measures Reported:

H.R. 50, to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465, to reauthorize the Asian Elephant Conservation Act of 1997.

S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, with an amendment in the nature of a substitute.

S. 775, to establish a National Commission on the Infrastructure of the United States, with an amendment in the nature of a substitute.

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, with an amendment in the nature of a substitute. **Page S10786**

Measures Passed:

State Children's Health Insurance Program Amendment Act: By 68 yeas to 31 nays (Vote No. 307), Senate agreed to H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, taking action on the following amendments proposed thereto: **Pages S10719–61**

Adopted:

Nelson (FL) Amendment No. 2619 (to Amendment No. 2530), to reduce the cap on the tax on large cigars to $3.00. **Page S10741**

Dodd Amendment No. 2631 (to Amendment No. 2530), to expand family and medical leave in support of servicemembers with combat-related injuries. **Pages S10728, S10741**

Obama Amendment No. 2588 (to Amendment No. 2530), 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. **Pages S10739, S10741**

Lincoln Amendment No. 2621 (to Amendment No. 2530), to express the sense of the Senate that Congress should enact legislation that improves access to affordable and meaningful health insurance coverage, especially for Americans in the small group and individual health insurance markets. **Pages S10739, S10740, S10743–46**

Wyden Modified Amendment No. 2570 (to Amendment No. 2530), to fund voluntary incentive programs with the aim of reducing the incidence of type 2 diabetes. **Page S10746**

Kerry/Snowe Amendment No. 2529 (to Amendment No. 2530), to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children. **Pages S10750–51**

Cardin Modified Amendment No. 2567 (to Amendment No. 2530), to improve the provisions relating to dental health. **Pages S10751–52**

Baucus Amendment No. 2645 (to Amendment No. 2530), of a perfecting nature. **Pages S10752–53**

Baucus Amendment No. 2530, in the nature of a substitute. **Page S10719**

Baucus Amendment No. 2646, to amend the title. **Page S10761**

Rejected:

By 43 yeas to 55 nays (Vote No. 297), Grassley (for Ensign) Amendment No. 2540 (to Amendment No. 2530), to prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State. **Pages S10719, S10733–36, S10737**

By 42 yeas to 57 nays (Vote No. 298), Thune Amendment No. 2579 (to Amendment No. 2530), to exclude individuals with alternative minimum tax liability from eligibility from SCHIP coverage. **Pages S10719, S10737–38**

By 37 yeas to 62 nays (Vote No. 299), Grassley (for Kyl), Amendment No. 2537 (to Amendment No. 2530), to minimize the erosion of private health coverage. **Pages S10719, S10738–39**

By 37 yeas to 62 nays (Vote No. 300), Specter (for Coburn/DeMint) Amendment No. 2627 (to Amendment No. 2530), to ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance. **Pages S10720, S10746–47**

By 35 yeas to 64 nays (Vote No. 301), Vitter/DeMint Modified Amendment No. 2596, to require individuals who are eligible for SCHIP and employer-sponsored coverage to use the employer-sponsored coverage instead of SCHIP. **Pages S10724–26, S10747–48**

By 49 yeas to 50 nays (Vote No. 302), Allard Modified Amendment No. 2535 (to Amendment No. 2530), to codify the unborn child rule. **Pages S10726–28, S10748**

By 21 yeas to 78 nays (Vote No. 303), Hutchison Amendment No. 2620 (to Amendment No. 2530), to increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living. **Pages S10731–32, S10748–49**

By 37 yeas to 62 nays (Vote No. 305), DeMint Amendment No. 2577 (to Amendment No. 2530), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce. **Pages S10740–41, S10752**

Withdrawn:

Dorgan Amendment No. 2534 (to Amendment No. 2530), to revise and extend the Indian Health Care Improvement Act. **Pages S10719, S10724**

Webb Modified Amendment No. 2618 (to Amendment No. 2530), to eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations. **Pages S10724, S10746**

Sanders Amendment No. 2600 (to Amendment No. 2530), to amend title XXI of the Social Security Act to limit the use of funds for States that receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children. **Pages S10720, S10749**

McConnell/Specter Amendment No. 2599 (to Amendment No. 2530), to express the sense of the Senate that Judge Leslie Southwick should receive a vote by the full Senate. **Page S10719**

Grassley (for Ensign) Amendment No. 2541 (to Amendment No. 2530), to prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State. **Page S10719**

Sanders Amendment No. 2571 (to Amendment No. 2530), to establish an incentive program for State health access innovations. **Pages S10720–23**

During consideration of this measure today, Senate also took the following action:

By 47 yeas to 52 nays (Vote No. 295), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Baucus (for Specter) Amendment No. 2557 (to Amendment No. 2530), to amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S10719, S10736**

By 39 yeas to 60 nays (Vote No. 296), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Grassley (for Graham) Modified Amendment No. 2558 (to Amendment No. 2530), to sunset the increase in the tax on tobacco products on September 30, 2012. Subsequently, the pay-as-you-go point of order that

the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S10731, S10736–37**

By 49 yeas to 50 nays (Vote No. 304), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Grassley (for Kyl) Amendment No. 2562 (to Amendment No. 2530), to amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S10719, S10749–50**

By 67 yeas to 32 nays (Vote No. 306), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 203 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Baucus Amendment No. 2530, in the nature of a substitute. **Page S10753**

National Bourbon Heritage Month: Senate agreed to S. Res. 294, designating September 2007 as ''National Bourbon Heritage Month''. **Pages S10840–41**

National Attention Deficit Disorder Awareness Day: Senate agreed to S. Res. 295, designating September 19, 2007, as ''National Attention Deficit Disorder Awareness Day''. **Pages S10840–41**

National Youth Court Month: Senate agreed to S. Res. 296, designating September 2007 as ''National Youth Court Month''. **Pages S10840–41**

Utah League of Cities and Towns 100th Anniversary: Senate agreed to S. Res. 297, recognizing the 100th anniversary of the Utah League of Cities and Towns. **Pages S10840–41**

Marquis de Lafayette 250th Anniversary: Senate agreed to S. Res. 298, commending the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette, and recognizing that the City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette. **Pages S10840–41**

Lung Cancer: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 87, expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015, and the resolution was then agreed to. **Page S10842**

Federal Insecticide, Fungicide, and Rodenticide Act: Senate passed S. 1983, to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to expend and improve the collection of maintenance fees. **Pages S10842–44**

Saginaw Chippewa Tribe of Indians: Senate passed H.R. 2952, to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe, clearing the measure for the President. **Page S10844**

Coquille Indian Tribe of the State of Oregon: Senate passed H.R. 2863, to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe, clearing the measure for the President. **Page S10844**

National Infrastructure Improvement Act: Senate passed S. 775, to establish a National Commission on the Infrastructure of the United States, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10844–46**

Pryor (for Boxer) Amendment No. 2648, in the nature of a substitute. **Page S10846**

Conference Reports:

21st Century Competitiveness Act: Senate agreed to the conference report on H.R. 2272, to invest in innovation through research and development, and to improve the competitiveness of the United States, clearing the measure for the President. **Pages S10761–62**

House Messages:

Legislative Transparency and Accountability Act: By 83 yeas to 14 nays (Vote No. 294), Senate agreed to the motion to concur in the amendment of the House to S. 1, to provide greater transparency in the legislative process, taking action on the following amendments proposed thereto: **Pages S10687–S10719, S10723–24**

Withdrawn:

Senator Reid motion to concur in the amendment of the House to the bill. **Page S10716**

Senator Reid motion to concur in the amendment of the House with Amendment No. 2589, to change the enactment date. **Page S10716**

During consideration of this measure today, Senate also took the following action:

By 80 yeas to 17 nays (Vote No. 293), two-thirds of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Reid motion to concur in the amendment of the House to the bill.

Page S10716

Reid Amendment No. 2590 (to Amendment No. 2589), of a perfecting nature, fell when Amendment No. 2589 (listed above) was withdrawn.

Appointments (from Wednesday, August 1, 2007):

Board of Visitors of the U.S. Merchant Marines: The Chair, on behalf of the Vice President, pursuant to Title 46 App., Section 1295 b(h), of the U.S. Code, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senator Inouye, ex officio as Chairman of the Committee on Commerce, Science, and Transportation; Senator Lautenberg, from the Committee on Commerce, Science and Transportation; Senator Stevens, from the Committee on Commerce, Science and Transportation, and Senator Graham, At Large.

Board of Visitors of the U.S. Air Force Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appointed the following Senators to the Board of Visitors of the U.S. Air Force Academy: Senator Bennett, from the Committee on Appropriations; Senator Nelson (NE), from the Committee on Appropriations; and Senator Allard, At Large.

Appointments (from Thursday, August 2, 2007):

Board of Visitors of the U.S. Coast Guard Academy: The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appointed the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: Senator Stevens, from the Committee on Commerce, Science, and Transportation, and Senator Collins, At Large. **Pages S10840**

Message from the President: Senate received the following message from the President of the United States on Wednesday, August 1, 2007:

Transmitting, pursuant to law, the declaration of a national emergency relative to the threat in Lebanon posed by the actions of certain persons to undermine Lebanon's legitimate democratic institutions; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–23)

Degiusti Nomination—Agreement: A unanimous-consent agreement was reached providing that at approximately 9:30 a.m. on Friday, August 3, 2007, Senate begin consideration of the nomination of Timothy D. DeGiusti, to be United States District Judge for the Western District of Oklahoma; that there be two minutes for debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary; provided further, that Senate vote on confirmation of the nomination.

Page S10742, S10761

Nominations Received: Senate received the following nominations:

Dennis W. Carlton, of Illinois, to be a Member of the Council of Economic Advisers.

Carl B. Kress, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2011.

A. Paul Anderson, of Florida, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

John A. Gastright, of South Carolina, for the rank of Ambassador during his tenure of service as United States Coordinator for Afghanistan, Department of State.

Margaret Spellings, of Texas, to be designated a Representative of the United States of America to the Thirty-fourth Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2010.

Julie Fisher Cummings, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2011.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Tom Osborne, of Nebraska, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security.

Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice.

1 Air Force nomination in the rank of general.

2 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy. Page S10846–48

Messages from the House: Page S10785

Measures Placed on the Calendar: Page S10785

Measures Read the First Time: Page S10785

Executive Communications: Page S10785–86

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Additional Cosponsors: Page S10788–91

Statements on Introduced Bills/Resolutions: Page S10791–S10824

Additional Statements: Page S10781–85

Amendments Submitted: Page S10824–39

Authorities for Committees to Meet: Page S10839–40

Privileges of the Floor: Page S10840

Record Votes: Fifteen record votes were taken today. (Total—307) Page S10716, S10723–24, S10736, S10737, S10738, S10747, S10748, S10749, S10749–50, S10752, S10753, and S10761.

Adjournment: Senate convened at 9:30 a.m. and adjourned at 11:33 p.m., until 9:30 a.m. on Friday, August 3, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10846.)

Committee Meetings

(Committees not listed did not meet)

UNITED STATES FORCES IN IRAQ

Committee on Armed Services: Committee received a closed briefing on drawdown planning for the United States forces in Iraq from Eric S. Edelman, Under Secretary for Policy, and Lieutenant General John F. Sattler, USMC, Director, Strategic Plans and Policy Directorate (J–5), The Joint Chiefs of Staff, both of the Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Admiral Michael G. Mullen, USN, for reappointment to the grade of admiral and to be Chairman of the Joint Chiefs of Staff, and General James E. Cartwright, USMC, for reappointment to the grade of general and to be Vice Chairman of the Joint Chiefs of Staff, and 808 nominations in the Army, Navy, and Air Force.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Randall S. Kroszner, of New Jersey, Larry Allan Klane, of the District of Columbia, and Elizabeth A. Duke, of Virginia, all to be Members of the Board of Governors of the Federal Reserve System, after the nominees testified and answered questions in their own behalf.

INTERNATIONAL FINANCIAL INSTITUTIONS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Security and International Trade and Finance concluded a hearing to examine reforming key international financial institutions for the 21st century, after receiving testimony from Daniel K. Tarullo, Georgetown University Law Center, Washington, D.C.; Adam Lerrick, Carnegie Mellon University Gaillot Center for Public Policy, Pittsburgh, Pennsylvania; and Karin Lissakers, Revenue Watch Institute, and Diane Willkens, Development Finance International, Inc., both of Washington, D.C.

BUSINESS MEETING

Committee on the Budget: Committee ordered favorably reported the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007, with an amendment in the nature of a substitute;

S. 602, to develop the next generation of parental control technology, with an amendment in the nature of a substitute;

S. 1892, to reauthorize the Coast Guard for fiscal year 2008, with amendments; and

The nominations of William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, Thomas J. Barrett, of Alaska, to be Deputy Secretary, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, both of the Department of Transportation, and the following named individual for appointment as a permanent commissioned regular officer in the United States Coast Guard in the grade indicated under title 14, U.S.C., section 211: Kristine B. Neeley, to be Lieutenant.

NATIONAL PARK CENTENNIAL CHALLENGE

Committee on Energy and Natural Resources: Subcommittee on National Parks, concluded a hearing

to examine S. 1253, to establish a fund for the National Park Centennial Challenge, after receiving testimony from Mary A. Bomar, Director, National Park Service, Department of the Interior; Vin Cipolla, National Park Foundation, and Thomas C. Kiernan, National Parks Conservation Association, both of Washington, D.C.; and Curt Buchholtz, National Park Friends Alliance, Estes Park, Colorado.

POSTAL SERVICE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the Postal Accountability and Enhancement Act (Public Law 109–435), focusing on the services that are provided to customers, after receiving testimony from John E. Potter, Postmaster General, United States Postal Service; Dan G. Blair, Chairman, Postal Regulatory Commission; Jody Berenblatt, Bank of America, New York, New York; Anthony Conway, Alliance of Nonprofit Mailers, and Robert E. McLean, Mailers Council, both of Washington, D.C.; and James West, Williams-Sonoma, Inc. Postal and Government Affairs, San Francisco, California.

PRESERVING PROSECUTORIAL INDEPENDENCE

Committee on the Judiciary: Committee continued hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence, receiving testimony from J. Scott Jennings, Special Assistant to the President, Deputy White House Political Director.

Hearings recesses subject to the call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

A bill entitled, "School Safety and Law Enforcement Act";

S. 1060, 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, with amendments; and

The nominations of Rosa Emilia Rodriguez-Velez, to be United States Attorney for the District of Puerto Rico, and Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

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: (See next issue.)

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 1400, to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, with an amendment (H. Rept. 110–294, Pt. 1); **(See next issue.)**

Speaker: Read a letter from the Speaker wherein she appointed Representative Holden to act as Speaker Pro Tempore for today. **Page H9547**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 232 ayes to 186 noes, with 2 voting "present", Roll No. 797. **Pages H9547, H9579**

Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007: The House passed H.R. 3159, to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom, by a recorded vote of 229 ayes to 194 noes with 3 voting "present", Roll No. 796. **Pages H9565–79**

Rejected the Hunter motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 207 yeas to 217 nays with 1 voting "present", Roll No. 795. **Pages H9576–78**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. **Page H9565**

H. Res. 601, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 200 nays, Roll No. 794, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 201 nays, Roll No. 793.

Pages H9549–57, H9564–65

Motion to Adjourn: Rejected the Dreier motion to adjourn by a yea-and-nay vote of 165 yeas to 254 nays, Roll No. 798. **Pages H9588–89**

America COMPETES Act: The House agreed to the conference report to accompany H.R. 2272, to invest in innovation through research and development, and to improve the competitiveness of the United States, by a recorded vote of 367 ayes to 57 noes, Roll No. 802. **Pages H9592–H9606**

Rejected the Shimkus motion to recommit the conference report with instructions to the managers on the part of the House, by a yea-and-nay vote of 199 yeas to 227 nays, Roll No. 801. **Page H9604–05**

H. Res. 602, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 229 yeas to 194 nays, Roll No. 792, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 198 nays, Roll No. 791. **Pages H9557–63**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008: The House passed H.R. 3161, amended, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, by a yea-and-nay vote of 237 yeas to 18 nays with 13 voting ''present'', Roll No. 815. Consideration of the measure began on Tuesday, July 31st.

Pages H9606–39, (continued next issue)

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, after agreeing to the Hoyer motion to reconsider the vote on the motion to recommit by a yea-and-nay vote of 238 yeas to 12 nays, with 55 voting ''present'', Roll No. 814.

(See next issue.)

Pursuant to the rule, the amendments printed in part A of H. Rept. 110–290 shall be considered as adopted in the House and in the Committee of the Whole and no further amendment shall be in order except those printed in part B of H. Rept. 110–290.

Page H9606

Agreed to:

McHenry amendment (that was debated on July 31st) to the Gingrey amendment (No. 3 printed in the Congressional Record of July 30, 2007) that reduces funding for the Office of the Secretary of Agriculture by $100,100 and **Page H9615**

Gingrey amendment (No. 3 printed in the Congressional Record of July 30, 2007 and debated on July 31st), as amended, that reduces funding for the Office of the Secretary of Agriculture by $50,050;

Page H9615

Rejected:

Sessions amendment (No. 1 printed in Part B of House Report 110–290) that sought to strike language from the bill prohibiting the use of funds by the USDA Chief Financial Officer for ''competitive sourcing'' activities until the Secretary of Agriculture submits a report on the Department's contracting out policies and budget (by a recorded vote of 168 ayes to 254 noes, Roll No. 803);

Pages H9621–22, H9639, (continued next issue)

Hensarling amendment (No. 3 printed in Part B of House Report 110–290) that sought to reduce funding provided in the bill for rural community facilities programs by $6,287,000 (by a recorded vote of 90 ayes to 337 noes, Roll No. 804);

Pages H9622–24, H9639, (continued next issue)

Hensarling amendment (No. 4 printed in Part B of House Report 110–290) that sought to reduce funding provided in the bill for grants to finance broadband transmission in rural areas by $8,910,000 (by a recorded vote of 66 ayes to 360 noes, Roll No. 805); **Pages H9624–25, H9639, (continued next issue)**

Kingston amendment (No. 5 printed in Part B of House Report 110–290) that sought to strike section 726 from the bill relating to importation of prescription drugs (by a recorded vote of 146 ayes to 283 noes, Roll No. 806);

Pages H9625–28, H9639, (continued next issue)

Kingston amendment (No. 6 printed in Part B of House Report 110–290) that sought to prohibit the use of funds in the bill to apply labor standards under the Davis-Bacon Act to contracts for construction of renewable energy systems (by a recorded vote of 152 ayes to 278 noes, Roll No. 807);

Pages H9628–29, H9639, (continued next issue)

Jordan amendment (No. 7 printed in Part B of House Report 110–290) that sought to reduce discretionary appropriations in the bill by 5.5 percent (by a recorded vote of 146 ayes to 284 noes, Roll No. 808); **Pages H9629–31, H9639, (continued next issue)**

Flake amendment (No. 8 printed in Part B of House Report 110–290) that sought to prohibit funds from being used for the Catfish Pathogen Genomic Project in Auburn, Alabama (by a recorded vote of 74 ayes to 357 noes, Roll No. 809);

Pages H9631–33, H9639, (continued next issue)

Flake amendment (No. 9 printed in Part B of House Report 110–290) that sought to prohibit funds from being used for grape genetics research in

Geneva, New York (by a recorded vote of 76 ayes to 353 noes, Roll No. 810);

Pages H9633–34, H9639, (continued next issue)

Flake amendment (No. 10 printed in Part B of House Report 110–290) that sought to prohibit funds from being used for the Alternative Uses of Tobacco (MD) grant (by a recorded vote of 94 ayes to 337 noes, Roll No. 811);

Pages H9634–35, H9639, (continued next issue)

Flake amendment (No. 11 printed in Part B of House Report 110–290) that sought to prohibit funds from being used for the Ruminant Nutrition Consortium of MT, ND, SD, and WY (by a recorded vote of 74 ayes to 355 noes, Roll No. 812); and **Pages H9635–37, H9639, (continued next issue)**

Flake amendment (No. 12 printed in Part B of House Report 110–290) that sought to prohibit funds from being used for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant (by a recorded vote of 68 ayes to 363 noes, Roll No. 813). **Pages H9637–39, (continued next issue)**

H. Res. 599, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 194 nays, Roll No. 800, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 197 nays, Roll No. 799).

Pages H9579–88, H9589–91

Moment of Silence: The Committee of the Whole observed a moment of silence in honor of the victims of the bridge collapse in Minneapolis, Minnesota on August 1st. **(See next issue.)**

Recess: The House recessed at 11:18 p.m. and reconvened at (See next issue.). **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on pages H9565 and H9618.

Senate Referrals: S. 845 was referred to the Committee on Energy and Commerce. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule appear on pages (See next issue.).

Quorum Calls—Votes: Eleven yea-and-nay votes and fourteen recorded votes developed during the proceedings of today and appear on pages H9562–63, H9563, H9564, H9564–65, H9577–78, H9578–79, H9579, H9588–89, H9590–91, H9591, H9604–05, H9605–06, (continued next issue). There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and at 11:18 p.m. stands in recess subject to the chair.

Committee Meetings

MARINE CORPS NEXT OF KIN NOTIFICATION

Committee on Armed Services: Subcommittee on Military Personnel held a hearing to follow up on the notification of family members of next of kin of deceased and wounded process for the Marine Corps. Testimony was heard from GEN Robert Magnus, USMC, Assistant Commandant, U.S. Marine Corps, Department of Defense.

HURRICANES KATRINA AND RITA BUDGET EFFECTS

Committee on the Budget: Held a hearing on Hurricanes Katrina and Rita: What will be the long-term effect on the federal budget? Testimony was heard from Stanley Czerwinski, Director, Intergovernmental Affairs and Strategic Issues, GAO; Donald E. Powell, Federal Coordinator of Gulf Coast Rebuilding, Department of Homeland Security; and Reverend Donald Boutte, Pastor, St. John Baptist Church, New Orleans, Louisiana.

MERCURY EXPORT BAN ACT

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials approved for full Committee action, as amended, H.R. 1534, Mercury Export Ban Act of 2007.

U.S. AFRICA COMMAND

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Africa Command: Opportunity for Enhanced Engagement or the Militarization of U.S.-Africa Relations.'' Testimony was heard from the following officials of the Department of State: Michael E. Hess, Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development; and Stephen D. Mull, Acting Assistant Secretary, Bureau of Political-Military Affairs; Theresa M. Whelan, Deputy Assistant Secretary, Africa, Office of the Secretary, Department of Defense; and public witnesses.

OVERSIGHT—ELECTION ASSISTANCE COMMISSION

Committee on House Administration: Subcommittee on Elections held an oversight hearing on the Election Assistance Commission. Testimony was heard from the following officials of the Election Assistance Commission: Donetta Davidson, Chair; and Rosemary Rodriguez, Vice Chair; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H. R 2740, amended, MEJA Expansion

and Enforcement Act of 2007; H.R. 1119, amended, Purple Heart Family Equity Act of 2007; and H.R. 1071, September 11 Family Humanitarian Relief and Patriotism Act.

ENDANGERED SALMON PREDATION PREVENTION ACT

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, held a hearing on H.R. 1769, Endangered Salmon Predation Prevention Act. Testimony was heard from Representatives Baird and Hastings of Washington; Bob Lohn, Regional Administrator, National Marine Fisheries Service, Northwest Region, NOAA, Department of Commerce; John E. Reynolds, III, Chairman, Marine Mammal Commission; Guy Norman, Regional Director, Department of Fish and Wildlife, State of Washington; Robin Brown, Marine Mammal Research Program Leader, Department of Fish and Wildlife, State of Oregon; and public witnesses

NATIONAL PARK CENTENNIAL MEASURES

Committee on Natural Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 3094, National Park Centennial Fund Act; and H.R. 2959, National Park Centennial Challenge Fund Act. Testimony was heard from Representatives Souder, Tiahrt and Baird; Mary A. Bomar, Director, National Park Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 312, amended, Civilian Service Recognition Act of 2007; H.R. 928, amended, Improving Government Accountability Act; H. Res. 554, Supporting the Goals and Ideals of National Passport Month; H.R. 3106, To designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office;" H.R. 2778, To designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station;" H.R. 1054, amended, District of Columbia Legislative Autonomy Act of 2007; and H. Res. 544, Expressing the sympathy and pledging the support of the House of Representatives and the people of the United States for the victims of the devastating thunderstorms that caused severe flooding in 20 counties in eastern Kansas beginning on June 26, 2007.

FEDERAL COMPENSATION—BENEFITS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Services, and the District of Columbia continued hearings on Federal Compensation, Part 2, Benefits. Testimony was heard from Representatives Tom Davis of Virginia; and Moran of Virginia; from the following officials of the OPM: Linda M. Springer; and Patrick McFarland, Inspector General; Gregory Long, Executive Director, Federal Retirement Thrift Investment Board; the following Specialists in Social Legislation, Domestic Social Policy Division, Congressional Research Service, Library of Congress: Hinda Chaikind and Patrick Purcell; and public witnesses.

DISASTER PREPAREDNESS

Committee on Small Business: Held a hearing entitled "Disaster Planning and Recovery: Are We Ready for Another Katrina?" Testimony was heard from Paul Schneider, Under Secretary, Management, Department of Homeland Security; Lurita Doan, Administrator, GSA; the following officials of the Department of Defense: James I. Finley, Deputy Under Secretary, Acquisition and Technology; and LTG Robert Van Antwerp, USA, Chief of Engineers, U.S. Army Corps of Engineers; Robert Henke, Assistant Secretary, Management, Department of Veterans Affairs; and Steven Preston, Administrator, SBA.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 3246, amended, Regional Economic and Infrastructure Development Act of 2007; H.R. 3224, amended, Dam Rehabilitation and Repair Act of 2007; H.R. 3247, amended, Hurricanes Katrina and Rita Recovery Facilitation Act of 2007; H.R. 409, To amend title 23, United States Code, to inspect highway tunnels; H.R. 2671, To designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse;" H.R. 2728, To designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station;" H. Res. 444, Supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; H. Res. 549, Recognizing the importance of America's Waterway Watch program; H. Res. 592, Supporting first responders in the United States in their efforts to prepare for and respond to natural disasters, acts of terrorism, and other manmade disasters, and affirming the goals and ideals of National First Responder Appreciation Day; and H.R. 3311, To authorize funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in

Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction.

COAST GUARD MARINE SAFETY PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Challenges Facing the Coast Guard's Marine Safety Program. Testimony was heard from ADM Thad Allen, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

CHINA TRADE SAFETY

Committee on Ways and Means: Subcommittee on Trade held a hearing on Legislation Related to Trade with China. Testimony was heard from Senator Stabenow; Representatives Davis of Alabama; Hunter, Regula, Knollenberg, Visclosky, Stupak, Ryan of Ohio, Arcuri, and Braley of Iowa; David M. Spooner, Assistant Secretary, Import Administration, International Trade Administration, Department of Commerce; Mark Sobel, Deputy Assistant Secretary, International Monetary and Financial Policy, Department of the Treasury; Daniel Brinza, Assistant U.S. Trade Representative for Monitory and Enforcement; Daniel Baldwin, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection, Department of Homeland Security; and public witnesses.

BRIEFING—INTELLIGENCE COMMUNITY UPDATE ON IRAQ

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Intelligence Community Update on Iraq. The Committee was briefed by departmental witnesses.

BRIEFING—CIA NEW COUNTER TERRORISM ACTIVITY

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on CIA new Counter Terrorism Activity. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

MEDIA FREEDOM: OSCE

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine freedom of the media in the Organization for Security and Cooperation in Europe (OSCE) region, after receiving testimony from Nina Ognianova, Committee to Protect Journalists, New York, New York; Paula Schriefer, Freedom House, Washington, DC; and Fatima Tlisova, Karachay-Cherkess Republic.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1115)*

H.J. Res. 44, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. Signed on August 1, 2007. (Public Law 110–52)

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 3, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing regarding the treatment of detainees, 8 a.m., SR–222.

House

Committee on House Administration, Election Task Force, to receive a GAO briefing on the status of the Investigation into the FL–13 Congressional District Contested Election, 10 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, meeting to request Department of Homeland Security Departmental Reports on the Beneficiaries of certain private bills, 1 p.m., 2141 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, August 3

Senate Chamber

Program for Friday: Senate will begin consideration of the nomination of Timothy D. DeGiusti, to be United States District Judge for the Western District of Oklahoma, and after a period of debate, vote on confirmation thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, August 3

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

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Congressional Record

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