United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, FRIDAY, SEPTEMBER 7, 2007 No. 132

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 7, 2007.

I hereby appoint the Honorable EARL POMEROY 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:

Shaken by the news of the sudden death of Congressman Paul Gillmor of Ohio and mindful also of the passing of former Members, the Honorable Jennifer Dunn and Charles Vanik, we turn to You, Lord God of the living and the dead.

In Your wisdom You called them and all deceased Members of this Chamber to serve their brothers and sisters in the backyards, fields, and streets of their districts, and yet represent them in this legislative body of the Nation.

Now called from this life, welcome them into Your presence, that they may enjoy the eternal justice and peace they sought here on Earth. Reward their public service with Your profound mercy and eternal rest. Comfort their families in this time of sorrow and loss.

God of faithfulness, enable all these who respectfully mourn now to press on with renewed faith and seek Your kingdom, trusting in Your loving guidance and the promise of eternal reward, both 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ 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 five 1-minute requests per side.

CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

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

Ms. SCHWARTZ. As the architect of one of the first children's health plans in the country, I have seen firsthand the success of these public-private, Federal-State partnerships. I am proud of our work here in Congress to make affordable health coverage available to an additional 5 million American children, while also protecting the health needs of our sense.

The Democratic Congress understands the health care challenges facing our Nation's working families. We heard their need and we responded. We passed a plan to expand access to quality, affordable health care for our Nation's children, while ensuring that our seniors receive the care that they have been promised.

It is unacceptable that 47 million Americans, including 9 million children, do not have access to affordable health coverage. It is unacceptable that American seniors are facing limits in access to doctors they trust and treatments they need, and it is unacceptable that President Bush and his allies in Congress are comfortable with that status quo.

It is time to act, and Congress has. We call on the President to stop working against us as we move to ensure health care for America's children.

BORDER SECURITY AND THE ALTAR OF GREED

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

Mr. POE. Mr. Speaker, it appears that in spite of Federal law that requires close inspection of vehicles and identification of people entering the United States, in the City of El Paso, Texas, border and Customs officials have been ordered to ignore some inspections. This Get-to-America-Quick plan requires that if pedestrian lines get too long, only 30 percent of them are to be questioned. If vehicular traffic waiting time is too long, then inspectors are to ignore some basic inspections for drugs and radioactive material.

According to Sarah Carter of the Washington Times, in some cases only every fifth driver and his documents are verified, all this in the name of letting more foreign nationals into the United States faster.

Why? Well, it seems some businesses are complaining the delays hurt their profits. So Federal bureaucrats are making border inspection officers ignore security, all in the name of the almighty dollar, or shall I say peso.

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This is yet another example of the incompetent attitude and lack of will on government bureaucrats to secure the American border. American border security should not be sacrificed on the altar of greed.

And that's just the way it is.

AMERICA WANTS A NEW DIRECTION ON IRAQ

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

Mr. EMANUEL. Mr. Speaker, the previous days have offered a series of reports on conditions in Iraq. These reports have been consistent: Iraq remains dangerous, unstable, and political progress is virtually nonexistent.

It wasn't supposed to be this way. The President's escalation was supposed to give the Iraqi Government and the ethnic groups the room they needed to make political progress. That progress simply has not happened.

So now, after 4½ years, billions of dollars, thousands of lives, and countless new slogans, the Bush administration is just giving us the status quo. Instead of a new strategy for Iraq, the Bush administration is cherry-picking the data to support the political objectives and preparing a report that will offer yet another defense of the President's strategy.

We don't need a report that wins a Nobel Prize for creative statistics or the Pulitzer Prize for fiction. Americans are demanding the facts, an end to this open-ended commitment, a surge on the political and diplomatic front. In short, the American people want a new direction in Iraq.

TRIBUTE TO PAUL GILLMOR

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

Mr. SENSENBRENNER. Mr. Speaker, earlier this week the House of Representatives lost a giant, and the people of Ohio and indeed all Americans lost a true legislative workman with the passing of Congressman Paul Gillmor.

When I first was elected to this House, I was told by former President Gerald Ford, who served with distinction here for many, many years, that there are two types of representatives: The workhorse and the show horse. The show horse, you see their face on TV all the time and they issue bombastic press releases. It is the workhorses that get the work done in this Chamber for the American people.

Paul Gillmor was a workhorse. Not only was he a workhorse and a true legislative craftsman, but he applied what those of us who live in the upper Midwest refer to as Midwestern common sense. We think that we have maybe more of that than those that live in other parts of the country. But Paul's Midwestern common sense meant that the legislative activities that he was engaged in were done professionally and were done for the benefit of all Americans.

I am sorry to see Paul pass. We have all lost a giant. Cheryl and I send our condolences to his wife and his children.

9/11 HEALTH CRISIS IS A NATIONAL PROBLEM

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

Mrs. MALONEY of New York. Mr. Speaker, 6 years ago the terrorist attacks of 9/11 were an act of war against our entire Nation, not just New York. The whole country was touched; and in the aftermath, people came from every State in the Nation to assist in the massive rescue and recovery efforts. All of these people from all of these States were all exposed to the same deadly toxins.

While press reports may question the size and scope of the problem, there is no doubt that there are thousands who are ill because of their exposure. Whether these brave firefighters and fire officers and EMTs came from California, Michigan or Florida, they all breathed the same toxic air.

This map shows how many people from each State are enrolled in the World Trade Center Health Registry; over 71,000 people from every single State in our Nation. At least 28 even came from Hawaii. The list goes on and on.

But the message of the map is clear: The 9/11 health crisis is a national problem, and it deserves a strong Federal response.

SUPPORT THE HOMELESS EDUCATION IMPROVEMENT ACT OF 2007

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

Mrs. BIGGERT. Mr. Speaker, I rise today to address an issue that means a great deal to me, the education of homeless youth.

Shortly before the August recess, this House overwhelmingly passed a resolution commemorating the 20th anniversary of the McKinney-Vento Homeless Assistance Act. In addition to recognizing the positive impact of McKinney-Vento, this resolution called on policymakers to unite behind certain common goals for the future. One of those goals is to improve the access of homeless children and youth to education in the public schools.

In order to meet this goal, I invite my colleagues to cosponsor a bill that I recently introduced with Representatives SARBANES and GRIJALVA, H.R. 3205, the Homeless Education Improvement Act of 2007. The bill will extend and improve the successful homeless children and youth programs in NCLB.

Mr. Speaker, being without a home should not mean being without an education. I strongly encourage my colleagues to cosponsor the Homeless Education Act.

BRING OUR TROOPS HOME

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

Ms. MOORE of Wisconsin. Mr. Speaker, I am compelled to come before the body today to talk about my deep concern about our continued engagement in Iraq.

In the past 4½ years, we have gone from ''mission accomplished'' to ''mission untrue,'' and, in the words of one of our colleagues here on the Republican side, to ''mission unknown.'' In fact, we are arming and fueling this growing civil war.

We have found Shia on Shia violence, Sunni on Sunni violence and Shia on Sunni violence. Our troops have no idea what the mission is anymore. I would submit, Mr. Speaker, that this is ''mission impossible.'' It is time to bring our troops home.

Just recently we found that 190,000 weapons are unaccounted for. There are plenty of weapons in the ministry of interior, which has come to be a police force against our own troops.

Mr. Speaker, we need to bring our troops home.

SUPPORT THE CHARLIE NORWOOD CLEAR ACT OF 2007

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

Mrs. BLACKBURN. Mr. Speaker, today I am introducing the Charlie Norwood CLEAR Act of 2007. Our late friend and colleague, Representative Charlie Norwood, introduced commonsense legislation to institute an efficient system, an efficient system, of identifying and detaining criminal aliens. Our good friend is gone, but his idea remains as viable today as it was the day that he first introduced it in the 108th Congress.

There are 400,000 alien absconders in our country, with 285,000 possessing criminal records. This bill targets those criminals by increasing Federal funds to local law enforcement agencies that need those funds, providing police that are on the beat with the resources they need and giving them the background, the information, to enforce immigration law.

It also cuts funding to sanctuary cities which have enacted laws prohibiting local police from detaining and arresting criminal aliens. Most notably, it requires the Federal Government to take these criminal aliens into custody within 48 hours.

Join me in supporting the Charlie Norwood CLEAR Act of 2007.

□ 0915

PROVIDING FOR CONSIDERATION OF H.R. 1908, PATENT REFORM ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 636 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 636

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1908) to amend title 35, United States Code, to provide for patent reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1908 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

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

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 636.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 636 provides for consideration of H.R. 1908, the Patent Reform Act of 2007, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule makes in order and provides appropriate waivers for five amendments: a bipartisan manager's amendment, three Republican amendments, and one Democratic amendment.

Mr. Speaker, H.R. 1908 is a necessary bill and landmark legislation. The last time that our patent laws had been substantially updated was 1952, over a half century ago. Much, obviously, has changed in the United States and the world in those 50 years, and that is quite an understatement. Unfortunately, the U.S. patent law has failed to keep up.

Before I discuss the merits of the underlying bill, I must commend Chairman CONYERS, Subcommittee Chairman BERMAN and Ranking Member Mr. SMITH for their tireless work on this bill. It has not been easy to make the reforms that are so intricate and complex in such a complicated system, but these gentlemen worked hard with their committee and did so admirably, bringing to us a patent reform bill that is going to move America forward.

I would also be remiss if I did not acknowledge the tremendous contribution of Senator LEAHY, who happens to be someone I am particularly proud as he is the senior leader of our delegation here in Congress. As chairman of the Senate Judiciary Committee, he spent years working on the patent system and has become a driving force behind getting this legislation to the floor.

All of us, I believe, in this House see this bill as major progress in reflecting a commitment to the protection and support of the Nation's intellectual property. This system was built to sustain and protect the nuts and bolts of the American economy, our ideas and innovations.

The legislation does enjoy very strong bipartisan support. Both Ranking Member SMITH and subcommittee Ranking Member COBLE, who have done great and hard work, are cosponsors. It is the product of 4 years of hearings, debates, negotiations, and compromises. Since 2001, there have been over 21 hearings on patent issues at the subcommittee level, and the subcommittee chairman and ranking member sought input from, among others, the Federal Trade Commission, U.S. Solicitor General, National Academy of Sciences, and businesses ranging from high tech and biotech companies to traditional manufacturing and pharmaceutical companies, as well as from our university community and from labor.

H.R. 1908 reforms our outdated patent system, which currently encourages patent speculation, increases litigation, often harms small inventors and impedes innovation.

First, the legislation moves the United States into a pure first-to-file patent system. Right now the United States is literally the only major industrialized country to retain the first-to-invent system. This change from first-to-invent to first-to-file will inject clarity and certainty into the process and relieve the U.S. system of some extremely burdensome requirements such as protracted interference proceedings often costing up to a million dollars to determine which of many applicants deserves a patent and detailed record keeping. Both of these often disadvantage smaller inventors who might not have the resources to initiate such proceedings.

This change to a first-to-file system puts the U.S. in sync with every other industrialized country. Greater harmonization is obviously going to make it easier for U.S. inventors to secure patent rights in other countries as international patent protection becomes increasingly important to their ability and the ability of United States inventors to compete on a level playing field.

Next, this legislation makes important improvements to the patent system by which patents can be reexamined. By providing for reexamination of issued patents, H.R. 1908 eliminates the ability to intentionally ''game the system'' by speculating on the issuance of very poor-quality patents, nothing added to the intellectual capital of this country, but used as a device to increase private gain. This provides a streamlined alternative to costly patent litigation. This ability to have a quality check on patents that have already been issued is crucial to the integrity of the patent system as patents of questionable value can stifle innovation.

Companies around the country are much like some companies that operate in Vermont, including IBM, which has been a leader in the number of issued patents for the past 14 years in our State. They were awarded in 10 years 3,621 patents in the U.S. in 2006; 360 of those, fully 10 percent, came from the IBM office in Essex Junction, Vermont. That is 10 percent of their total patents from Vermont alone. They have been in business for decades, and improving the quality and security of the patent system is extraordinarily important to them, and obviously to

other individuals and companies large and small around our country.

This bill also allows third parties to submit documents relevant to the examination of a patent application. This provision addresses the growing concern that patents have been issued on inventions that were publicly known and in prior use to the filing of the application. This is particularly important in the newer areas of technology in fields that do not yet have a fully well-developed tradition of publishing findings such as computer systems and software and business methods.

Finally, this bill makes some crucial improvements to the calculation and apportionment of damages. H.R. 1908 allows for the reasonable royalty calculations that more accurately reflect the value of any invention that is being infringed. Our patent system is far too important to be behind the times. Quality patents must continue to be issued. They must continue to be protected for those who have legitimately created a new invention.

This legislation is a huge step in modernizing this system for decades of American innovation to come. I urge my colleagues to support this rule and the underlying bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Vermont (Mr. WELCH) for the time, and I yield myself such time as I may consume.

When the Founders of this great Republic drafted our Constitution, they had the revolutionary vision that brought us this great and vibrant representative democracy that has lasted over 200 years. Included in the landmark Constitution that has served our Nation so marvelously is a provision that gives us, the Congress, the power ''to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' This provision receives little attention; but over the last two centuries it has played a critical part in the growth of the economy and the power, the wealth of the United States. Today, American intellectual property is worth over $5 trillion, more than that of any other country in the world. It also comprises more than half of all U.S. exports, driving almost half of the Nation's economic growth.

As Mr. WELCH so eloquently stated, the last time Congress overhauled the patent system was over 50 years ago. Since then the fundamental underpinnings of our economy have undergone dramatic changes. But the patent system has remained generally static and now faces some difficulty in meeting the needs of our dynamic economy. So we must reform our patent system in order to meet the needs of our economy here and in the global marketplace, but we must do so in a way that protects, that continues to protect the intellectual property rights of all inventors and industries.

Today we are debating changing the system that President Abraham Lincoln called one of the three most important developments in world history. Yet on such a truly significant piece of legislation, legislation that will affect our economy for decades, the Rules Committee majority has severely restricted the input of Members of this House, the input that they can have on this extraordinarily important piece of legislation.

The rule brought forth by the majority allows only five amendments, five of the 14 amendments submitted. I submitted to you, Mr. Speaker, that is no way for the House to debate this important legislation. The majority should bring this bill to the floor with the opportunity for all Members to present their ideas, their proposals, their amendments, for the consideration of all of our colleagues. The majority should bring this legislation to the floor under an open rule.

I remind our friends of one of the central tenets of their campaign last fall. They said they would run the Congress in a more open and bipartisan manner. In fact, on December 6, 2006, the distinguished Speaker, Congresswoman PELOSI, reiterated her campaign promise. She said: ''We promised to the American people that we would have the most honest and open government, and we will.''

□ 0930

Here we are again with a restrictive rule, even on such a significant piece of legislation as the reform of our patent system.

The majority, Mr. Speaker, unfortunately is not living up to its promises, and it is the duty of the minority to remind the majority of when the majority falls short of the majority's promises.

It was quite clear from the testimony at the Rules Committee yesterday, very interesting testimony, very enlightening. It's been years in the making this legislation. There are Members of our Congress that have put a tremendous amount of effort and study and time into this critically important issue.

It was evident at the Rules Committee that this bill was drafted in an open manner, in a bipartisan manner. Why not thus continue the bipartisanship that has forged this important piece of legislation, why not continue that bipartisanship here on the floor today with an open rule?

Notwithstanding how Members may feel about the underlying bill, Mr. Speaker, I would urge all of our colleagues to vote against this rule, vote against this rule so that we can have a full and open debate on this important piece of legislation.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN), chairman of the Intellectual Property Subcommittee.

Mr. BERMAN. Mr. Speaker, I thank my friend from Vermont for yielding me the time and for his really very complete discussion and understanding of the legislation which is now at stake, and I rise in strong support of this bill and particularly the rule.

I might point out in context of the rule that, as the gentleman from Florida suggested, 14 amendments were offered. A number of those amendments, five of them, were made in order, and a number of the other amendments were worked out and are part of the manager's amendment. So many of the issues raised in the context of openness are continuing up to this point.

This has been both a bipartisan process, and I might suggest with respect to the people who are supporting the product of this bipartisan process, the rule is being supported on a bipartisan basis.

When functioning properly, the patent system encourages and enables inventors to push the boundaries of knowledge and possibility. I support strong, robust protection for quality patents. However, when the system functions improperly, such as allowing an overly broad or obvious patent, the patent systems can stifle innovation and harm America's competitiveness in the global economy.

Such patents cover arguably obvious inventions. An example is crustless peanut butter and jelly sandwiches for which a patent was obtained. However, the much more insidious and troubling kinds of poor quality patents are the ones that are granted which impede commerce or further invention because they create a patent thicket so wide and so dense that an entire industry or segment of our economy becomes subservient to a single patent from a single innovator.

Many groups, agencies and citizens have written volumes on the need for reform, the United States Patent and Trademark Office, the Federal Trade Commission, the National Academy of Science, the Intellectual Property Owners Association, the American Bar Association Intellectual Property Division and the American Intellectual Property Association. All of the studies concluded that the current system is in need of changes if it is to remain viable in the new technology global economy. The moment is ripe to move the patent system forward to meet the challenges of the 21st century. Serious flaws have to be fixed for our system to remain robust now and long into the future.

As the gentleman from Florida acknowledged in his comments which preceded mine, this legislation is the result of a substantial amount of work, not just over this Congress but over the past three Congresses. We did not undertake this endeavor lightly. This isn't a rush to judgment. It isn't a rush to legislate.

We don't claim that this bill at this point is perfect, but this remains only one step in the process. Like all compromises, not everyone received everything they wanted, which is honestly just as it should be. This legislation favors no industry, no person, organization or interest group. It seeks to solve problems that we have identified and have been identified for us by outside experts and agencies. The legislation does what is best for America and our spirit of inventiveness and innovation, and it protects our position within the increasingly competitive global marketplace.

RICK BOUCHER and I started down this path a long time ago, since that time working very closely with the then-chairman of the subcommittee and now the ranking member of the Judiciary Committee, LAMAR SMITH; with our subcommittee ranking member and former chairman of the subcommittee, HOWARD COBLE. We have held 20 hearings over 6 years. We've invited or heard from independent inventors, universities, large corporate entities, pharmaceutical companies, high-tech companies, manufacturers, the financial services industries, biotech companies, the U.S. PTO, the ABA, the Intellectual Property Organization, judges of district court and at appellate levels, economists and consumer groups. All views were heard and considered to arrive at a bill that we have before us today, and this is a good bill.

There will be four more suggestions made for changes to the bill, amendments by Mr. ISSA, Ms. JACKSON-LEE and Mr. PENCE. These amendments add valuable changes to the bill. I won't go into detail now in discussing those amendments, but they address issues raised by small inventors and by people who want to make sure that the PTO rulemaking authority has adequate oversight by the Congress.

I urge my colleagues to grant us the rule, to take this important piece of legislation and move it forward. And my commitment to everyone in this Chamber is to recognize that there are still issues that need to be worked on and that we will be working to try and achieve the best possible balance without undercutting the need for fundamental reform that exists.

I urge my colleagues to adopt the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished ranking member of the Rules Committee.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I would like to begin by expressing my appreciation to my friend from Miami for his very thoughtful and eloquent statement going back to 1790 and the role that patents have played in the very founding of our country.

I want to say also, as I look around the floor and think about the Rules Committee meeting that we had, I see the distinguished gentleman from Maine (Mr. MICHAUD) who was joined by Mr. MANZULLO in the Rules Committee last night, my good friend from California (Mr. ROHRABACHER), who was here on the floor.

What I will say is that there is bipartisan support for this bill, Mr. Speaker, as my good friend from California (Mr. BERMAN) correctly said, but there's also bipartisan opposition to this bill, Mr. Speaker, and it is for that reason that I believe it is absolutely imperative that we do, as Mr. DIAZ-BALART has pointed out, have the most open and transparent process imaginable in dealing with what is seen as a very dull issue. It leads many people to doze off or their eyes to glaze over when talking about patent law, but it is a critically important issue when we think about the basis of the United States of America and property rights and all.

While I intend to support final passage of the underlying legislation, a great deal of concern has, in fact, been raised on a number of issues included in this bill, as I said, making it a perfect example as to why this fully open and transparent legislative process, which unfortunately this restrictive rule denies, is a mistake and shouldn't be done.

The underlying bill deals with a tremendously critical and fundamental aspect of our economy. It addresses a significant problem but in a way that has raised concerns, and it involves incredibly arcane and technical policy. For all of these reasons, we should be allowing a full and open debate, and I see my friend Mr. GOHMERT here who I know has also joined in raising very grave concerns about where it is we're going on this issue.

We should be encouraging a greater flow of information, not cutting it off, and unfortunately, this restrictive rule does just that.

Ensuring both the protection and the quality of patents is absolutely essential in our high-tech, knowledge-based 21st century economy. A cursory glance at the state of patent litigation is all it takes to see that we haven't gotten it quite right. Patent trolls acting maliciously and bewildered juries facing impossibly technical cases have wreaked a great deal of legal havoc on many of our Nation's great entrepreneurs.

The result has been to stifle innovation, the lifeblood of our economy. We've seen some of the worst cases eventually reversed on appeal, but many others have not been. There's no denying that there is great need for reform in our patent law system.

However, the underlying bill before us today is not perfect. Real concerns have been raised by a number of innovators and research institutions, many of whom are critical, in this effort, from my State of California, but critical to our economy and our place as one of the world's greatest fonts of innovation and entrepreneurship.

We have to be very careful that as we address one problem we don't create another. We have to be very careful that we don't pick winners and losers in our patent system, but that we protect and uphold intellectual property of all kinds.

The creators of computer hardware, the developers of revolutionary medical treatments, for example, use patents in very different ways. A piece of hardware may include hundreds of patents, some of which will be obsolete practically before they hit the shelves.

On the other hand, a biomedical firm may spend $1 billion over a decade developing a single product using a single patent. Now, Mr. Speaker, these two types of innovators use patents in very different ways, but what they have in common is that intellectual property and innovation are at the very heart of their work, and they both contribute significantly to our economy and to our rising standard of living.

We must ensure that our patent system protects both kinds of innovation. While I strongly support the need to move this process forward, these are real concerns that must be fully aired and openly debated. I find it troubling that unlike previous legislation dealing with the issue of patent reform, this bill does not enjoy broad-based support among all types of intellectual property creators. Because consensus was not reached in the committee process, it is all the more important that our floor debate be conducted in an open and transparent way.

Yesterday in the Rules Committee, as my friend from Miami said, I proposed that we report out an open rule so that we could, in fact, have a full debate on these issues. Unfortunately, on a party-line vote, that proposal was denied.

We also heard, as I mentioned, from our colleagues, Mr. MANZULLO and Mr. MICHAUD, who were requesting at least two hours of general debate, divided not just between Republicans and Democrats on the Judiciary Committee, but between supporters and opponents of this bill. Again, as I said, it is bipartisan, the opposition, as well as bipartisan, the support, for the bill. That request unfortunately was also denied.

Absent a meaningful debate today, these concerns will have to be raised in the Senate and in the Conference Committee. It's unfortunate that our Democratic majority has so little institutional pride that they continuously deny this body an open debate and cede the hard work to another time and another place.

That is why I'm encouraging my colleagues to oppose this restrictive rule. We shouldn't be running away from a fair and honest debate of these tough issues. The underlying bill and the issues it addresses are too important for us to be shirking our responsibilities.

So, Mr. Speaker, I urge my colleagues to reject this rule, and let's have a real debate on this very critical matter. And I, again, thank my friend for yielding.

□ 0945

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

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to this rule, and I ask my colleagues to consider voting against this rule for one simple reason, and that's time. I respect the work of our Rules Committee; I do not oppose this rule lightly.

But the fact of the matter is, under this rule, we would begin debating a huge change to our patent system that would have major ramifications for our economy. We have just returned from a long work period in our districts. We found the committee report filed late in the day when we came back, and two manager's amendments filed late yesterday. Most Members haven't had time to understand what the manager's amendment fixes or doesn't fix.

I can tell you, having worked all night late last night with staff to find out what the manager's amendment does: it actually worsens the underlying bill, especially with respect to the damages section of this bill. But Members aren't going to be given the time to really consider what the manager's amendment does or what it does not do. They are going to be told to trust the changes that have been made to fix a badly flawed legislation.

Congressman MANZULLO and I went to the Rules Committee yesterday to request that we not vote on this bill because it's not ready for floor action. We asked for more time to debate the bill in order for the opposition to be heard. We were denied. With over 300 organizations who are opposed to this legislation, have very serious concerns about this legislation, it is important that their voices be heard in this debate.

We do need to address our patent system, and we must have the time to do it and do it right. By voting down this rule, we would give this House and the American people the time to make the right choices for our innovators, our jobs, our economy. So I would urge a ''no'' vote on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule.

I am pleased that the Baldwin amendment was included in the manager's amendment. The Baldwin amendment deletes the prior user rights section from H.R. 1908, leaving current law on prior user rights intact.

H.R. 1908, as considered in committee, encouraged a resort to trade secret practices which would have bred litigation and chilled publication and disclosure, which are the constitutional principles underlying the entire patent system.

The Patent Reform Act, as originally drafted, would not have made for a good situation for innovation. It would have been detrimental to individual inventors, small businesses, nonprofits, including research universities. Although I plan to vote in favor of the Patent Reform Act, I have serious concerns about the process that we have used to reach floor action today.

IPR law changes have always been negotiated in the subcommittee until this year. This bill should have been vetted in subcommittee. Instead, the subcommittee simply passed the buck to the full Judiciary Committee. Ramrodding this bill through subcommittee left a lot of unhappy people thinking that the train had left the station.

The subcommittee Chair should have kept the bill in his subcommittee. Keeping it in subcommittee works, even though the process may take more time.

As we realize, moving it forward with so many loose strings makes it quite easy for the whole thing to unravel. It's essential that subcommittee members work out problems in the subcommittee and not jam stakeholders.

I believe that by holding onto this bill a little longer, we could have applied pressure to the stakeholders and moved them to our common ground. The volume of e-mails and calls we have received from interest groups, which number in the hundreds, clearly indicates that we don't have everybody on board. Much of this opposition could have been avoided.

At subcommittee, the Chair told us that concerns would be addressed at full committee. The Chair then assured us that concerns would be worked out in the manager's amendment prior to floor action. While concessions have been made, this bill still needs work and isn't ready for prime time. Later today, during debate on the bill, I expect Members' concerns to be brushed off and told that everything will be worked out in conference.

I served as Chair of the Judiciary Committee for 6 years, and I know all too well how elusive compromise can be. But that doesn't mean that we should throw in the towel or simply lower a shoulder and plow forward.

I prevented my Courts and Intellectual Property Subcommittee Chair from moving forward on patent form until we could reach agreement with all the interested parties, and that is what we should have done here. Patent reform is vital to our Nation's economy. The House should not take up this legislation at odds with so many sectors of the economy for the benefit of others.

The other body is continuing to entertain stakeholder meetings to try to develop consensus, and I commend them for that. This would be a wise course of action for the House as well. I believe that with more time and energy, we could draft a bill that is supported by a large cross-section of America, which this bill is not.

The process that we took to get here today was flawed, but it's not too late to correct it.

I encouraged the Chair and the ranking member to continue to meet with stakeholders. That's the way to get a good patent bill that is really a 21st-century innovation-inspiring bill enacted into law.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 4 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank my friend from Florida.

Mr. Speaker, we have heard the term ''bipartisan'' with regard to this legislation, and as has been pointed out, there has been bipartisan support; but there has certainly been bipartisan opposition.

Bipartisan, to many out there in the United States, means, oh, it must be fair. But the truth is, bipartisan doesn't mean fair, and it doesn't mean good; and this is one of those pieces of legislation that has severe problems that are neither fair nor good.

Now in committee, the process involved a manager's amendment being made in the Committee of the Whole of the Judiciary Committee, followed immediately by an amendment to venue before anybody else was recognized so that an effort by me to have an amendment to fix venue problems that were really pronounced was shut out because that automatically made those third-degree amendments.

That seemed to me a strange effort to avoid fairness on this important bill. We come in here today with this restrictive rule which will not allow full debate and wonder why is there such haste to avoid fairness in this rule. The rule here even abrogates the House rule that requires half the time be provided to the opposition, by saying it will be controlled by two people who both support the bill.

Again, why is there such a push to avoid fairness in consideration and debate on this bill? ''We need a comprehensive bill'' is language we have heard over and over. What struck me was, gee, that's what we heard about the immigration debate: we need a comprehensive bill. Why was that said about immigration? I submit it was said because there were things that people wanted to hide in a comprehensive bill that could never pass on its own.

So I begin to look at this bill, and it appears to have the same problem. There are things in here that don't go to fix patent controls. There is such an overreaching effort here to change rules and help the big dogs just devour and destroy the little guys.

Now the patent control issue, that's a problem. Boy, how easy to fix that. All you would have to do is say if you are not the original patent holder and inventor, then your rights are restricted. But that keeps being thrown out as a basis to destroy and change and use a wrecking ball to the entire patent law.

The damages issues need a further look. My goodness, for so many years now the patent issues have been guided by factors that allow the courts to consider various types of damages. Now we have had one industry zero in on one time of damage that will help them and hurt all others. That's not fair.

We were told that in the Judiciary Committee that many of us, by name, were called who would help the language. Since then, I have not heard of any meetings to work on language. My staff has not heard of any.

Yet, we are told in here today, trust us, we are going to work together. This isn't the last time. I have heard over and over on that bill, and to come to this point, where there is so much substantial unfairness and abrogation of the fairness doctrine on taking up legislation concerns me all the more.

This isn't fair. It's not good. It's not right. It's not timely to take this up without proper discourse.

With that, I would ask that trust has not been earned. Therefore, people should vote against this rule on a bipartisan basis.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 4½ minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to the rule, as well as opposition to the underlying legislation.

Let us note that this debate has been limited today, which is consistent with the substance of this legislation. The process, as well as the substance of H.R. 1908 is totally unacceptable. This bill should be called the Steal American Technologies Act Part 2.

Yes, Mr. BERMAN and I have worked on this legislation over the years, and I thought that we had a compromise bill in 1999, with HOWARD COBLE and others; and this bill just negates all of the compromises that were made and the honest attempts to reach a good patent bill.

Yes, there was a patent bill that was passed and went into law in 1999, let us note. This isn't the first patent reform legislation in the last 50 years; it's only the worst patent reform legislation over the last 50 years. This legislation, under the guise of reform, will dramatically diminish the constitutionally protected rights that were mandated by our Founders and that have been the impulse behind our Nation's prosperity and security.

H.R. 1908 will dramatically weaken the patent rights of ordinary Americans and make us even more vulnerable to the outright theft of American-created technology and innovation. This legislation represents a slow-motion destruction of our patent system.

So what's in the bill? First and foremost we know what's in the bill is a mandate to publish every patent application within 18 months, or after 18 months of that application being applied, whether or not that patent has been granted.

So we are giving every thief in the world in India and in China and Japan and Korea the details of our most up-to-date innovative ideas, even before they are protected by the patents. We are being told, of course, Mr. ISSA has an amendment that will handle this.

Don't be fooled. Whether or not the Issa amendment passes, this legislation will still mandate the publication of most patent applications before the patent is issued.

America's secrets will be exposed to a world filled with infringers and thieves. So don't be fooled by the Issa amendment, just the way we shouldn't be fooled by the very nature of this bill being called a reform bill when it should be called the Patent Destruction Act.

Secondly, this bill opens up new avenues of attack before and after the patent has been issued, again weakening the inventor, strengthening the infringers, both foreign and domestic.

Third, the bill changes the criteria of deciding the validity for a patent, again at the cost of the inventor. Fourth, the bill changes the way damages are calculated, again, at the expense of the inventor, and in the process creating havoc in our courts and forcing judges to be economists.

The most fundamental of all, of course, we change the legal basis of our system from first-to-invent, which has been, historically, for 200 years, the basis of the patent system, and now we are changing it to first-to-file, the way they do in Europe and in Japan. Do we really want to have a country like Japan? Look at their creative history. They rely on all of our ideas to perfect.

In short, every promise of H.R. 1908 is anti-inventor, and every provision weakens the right of inventors and undermines one's ability to protect his or her invention. The electronic and financial industry billionaires who are pushing this are pushing it to facilitate their theft of new innovation. Yes, these guys are important to our economy, but the opposition to H.R. 1908 from the other economic sectors in our economy is deep and wide.

Many of those quoted by Mr. BERMAN as having testified in these hearings are opposed to this bill. Biotech, pharmaceuticals, labor unions, universities, small businesses, all are against, adamantly against, this bill. Let us protect the little guy from foreign and domestic scavengers who would steal our country's newest ideas from the best and most creative minds of our country.

I urge my colleagues to oppose this legislation and this rule.

□ 1000

Mr. WELCH of Vermont. Mr. Speaker, I continue to reserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 4 minutes to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, we are hearing this argument, let's just fix it in conference. Well, the last patent reform bill that passed, H.R. 1561, passed the House on March 3 of 2004. The Senate Judiciary Committee passed their bill, but it never saw action before the full Senate. The bill that the House passed never made it to conference, but it became law because someone stuffed it into the giant multi-thousand page omnibus consolidated appropriations bill which became law.

And besides that, we are Members of Congress. For us to stand up here and say, well, this is too confusing for us to understand, excuse me; that's what we're paid for. And if we have to take a considerable period of our time to study and learn patent law, that's our job. If we don't do that, we are failing in our obligation to the people that we represent.

So, what happened last time was good for making sausage. You stuffed the House-passed bill which never passed the Senate, never made it into conference, into a giant omnibus bill, but that's not how you make legislation.

Now, look what's going on here. We were told that we had to file by 5 p.m. on Wednesday afternoon any amendments to this bill. I went to the Rules Committee at 3 p.m. yesterday, where we met on the bill. At 2:43 p.m., the first manager's amendment was filed, 18 pages long. While we were still discussing the first manager's amendment, the second manager's amendment got filed at 3:50 p.m.

At 5:30 in the afternoon, the general public found out what was in it. I just found out in an analysis done on the second manager's amendment that this would be crippling to the small inventor. It would be horrifying to the patent holders in this country, that it would favor overseas patent holders as opposed to the American inventor.

All I asked for in that Rules Committee was for an extra hour of debate, just 2 hours of debate on one of the most important topics this place has ever had, and we were denied that. And people turn on C–SPAN. They see us. We'll take a half an hour to debate a post office, an hour to debate two post offices, the naming of the post offices, but 1 hour, just 1 hour to debate one of the most important issues that has ever come before this Congress in 50 years, 50 years. That's just fairness. Just fairness is all we're asking for.

I feel like asking for a motion to adjourn, but I'm not going to. That would not be fair to the Members that have other things to do.

But to tell the American people the Members of Congress really don't need

to know the details, that we'll take care of the details for you, that's an abandonment of our obligation here.

We come here with the obligation to learn every issue on which we vote. We may not know all the nuances, we may not know all the details, but nobody's going to tell us that this is too confusing for you to understand, because that's not what the American people send us here for.

And so I would just urge you, urge the folks, that there is no way possible in the limited amount of time that we can discuss this bill.

Let me show you what this does. This is Caterpillar, this is RIM. It puts two companies against each other. RIM has a lot of American parts. The bill should be written to accommodate both, to accommodate the American inventions in both of these manufactured products.

Vote ''no'' on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), Chair of the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I thank the manager, and I rise to congratulate all the Members for all the hard work that has been done in the course of the many months, some would say years, in bringing this to the floor.

I'd just like to make a comment about the manager's amendment that I've heard raised in the discussion because, actually, I thank the floor manager of the Rules Committee on the Republican side because we had, I thought, a very good meeting yesterday.

It should be known to everyone here that the reason we had the late filing of the manager's amendment is that we were keeping it open for everybody to make their last changes. And most of the requests came from the minority side, which we were happy to accommodate. So it's in that spirit that I refer and make available to everybody here everything that are in manager's amendments, and hope that the fact that this is maybe 80 percent accomplished for almost all the many sides to this debate will carry us through the rule and through the spirit that has moved the committee and the subcommittee and the Judiciary Committee this far.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from California (Mr. ISSA), a member of the Judiciary Committee.

Mr. ISSA. Mr. Speaker, I appreciate the gentleman yielding. The fact that this is what one might consider Democrat time being yielded to a Republican probably says just how bipartisan this bill is. This has been worked on in a Republican majority and in a Democrat majority. It's been cosponsored by the chairman and the ranking members of the committees. It is, in fact, an unusual piece of work.

Additionally, this rule, and I've been voting against rules lately because they weren't open and fair. This rule accommodated virtually every amendment offered. In fact, many of the people speaking here today against the bill and against the rule didn't offer any amendments.

Whether you're on the committee or not, this is your opportunity, after nearly 4 years of this being an open process under leadership on both sides of the aisle, this is your opportunity, if you have solutions.

I urge the passage of this rule and the passage of the underlying bill because, in fact, it is the best work the best minds on both sides of the aisle could produce over 3 years.

Now, people who, in fact, are saying they don't want to vote for it are saying we just need more time. In fact, the engine that drives the economic wealth of our country cannot afford for us to simply let the men and women in black robes continue to try to patch a broken system, as the Supreme Court has done. Not moving in this Congress, and rapid pace could be another year, including the other body. Not moving in this Congress would force the Supreme Court to deal with an out-of-date set of laws. We need to vote this bipartisan bill through a very positive rule, and then to final passage.

I strongly recommend that people look at the fact that amendments were accepted by both sides of the aisle, and, as the chairman said, more were accepted by the Republicans, in addition to literally hundreds of suggestions being incorporated into the manager's amendment.

I move that we pass the rule, pass the underlying bill, continue a bipartisan process that, of course, will always have somebody who feels they're not benefited. But, in fact, you can't get this kind of support by people who do not normally work well together unless, in fact, this process has been full and fair, as it has been. I thank the ranking member and the chairman for their bipartisan work.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank all of our colleagues who have participated in this debate; thank Chairman CONYERS for his kind words.

This obviously is very important legislation. And even though my very good friend, Mr. ISSA, just stated that most of the amendments had been made in order by the Rules Committee, that's not the case. Five amendments were made in order, and nine, nine were denied.

Mr. BERMAN. Will the gentleman yield on that issue?

Mr. LINCOLN DIAZ-BALART of Florida. I have very little time. I will yield.

Mr. BERMAN. A number of the nine that were not made in order were incorporated, at the request of the authors of the amendments, into the manager's amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time. A number of important amendments have not been made in order. And on legislation this important, we think that it should have been brought forth with an open rule. And so that's why we oppose the rule, and would urge that the majority of the Rules Committee bring forth this legislation again with the opportunity of all Members of the House to offer all amendments based on their work product for consideration by all of our colleagues.

And so with that, I urge the defeat of this unfair rule.

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

Mr. WELCH of Vermont. Mr. Speaker, I close by making two comments. Number one, this bill was the product not just of exhaustive hearings by the subcommittee on a bipartisan basis. It's really been the work of a couple of Congresses.

The patent reform system hasn't been changed in any significant way for literally over a half a century, and the changes that have occurred in our economy in electronic communications, in telecommunications, on software, on biotechnology, on every field that has produced wealth in this country have been extraordinary, yet the patent system has been stuck in 1952 mode.

The process that the chairman, Mr. BERMAN, the ranking member, Mr. SMITH, and others have had to go through to try to accommodate the legitimate concerns of the inventor community, of the corporate community, and the complexities of that have been extreme.

This amendment that is being presented to you reflects an open process, not an open amendment with anything and everything on the table, but the product of an open process where everybody who had a concern was actually heard, and the best effort was made to accommodate them directly with specific legislation in the bill, in the manager's or in the amendments that were offered.

So the committee members, on a bipartisan basis, with Mr. BERMAN and Mr. SMITH, have done everything possible to accommodate the concerns of the inventor community, the corporate community, our modern economy and the representatives in this body who are standing up for their constituents.

Secondly, there was some assertion that this is an anti-inventor bill. That is absolutely wrong. This is a bill that is being endorsed by the National Academy of Sciences, by many in the university community, and by others who have, as their whole motivation, the expansion of knowledge and then the implementation of the benefit of that knowledge through a patent system.

So the committee has done an open process which has brought us to this point, and it has proposed changes that are 50 years in the making, that is going to strengthen and expand the rights of our patent community.

Mr. Speaker, I urge a ''yes'' vote on the rule, House Resolution 636.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

□ 1015

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2669, COLLEGE COST REDUCTION AND ACCESS ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 637

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. 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. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. 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. Mr. Speaker, 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. 637 provides for consideration of the conference report to accompany H.R. 2669, the College Cost Reduction and Access 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 am honored to rise today in support of this rule and this much-needed underlying conference report, the College Cost Reduction Act, which will help give our students a real opportunity to go to college and give them the vital tools necessary to enter our workforce and build a positive future for themselves and our communities. And, Mr. Speaker, at the outset I want to thank Representative GEORGE MILLER, the distinguished chairman of the Education and Labor Committee, along with Speaker NANCY PELOSI, whose commitment to our students, our families and our future in this country has brought us to this day when we are able to take this great step to put college education back within reach of so many hardworking families and students. The College Cost Reduction Act addresses one of the most pressing issues facing millions of families across this Nation: the question of how they will afford to send their children to college.

Educational opportunity is the backbone of our Nation and everything that makes it great. And while access to higher education is more critical than ever for younger generations, the cost is rapidly moving out of reach for many low- and middle-income families. Tuition at 4-year public colleges and universities has risen 41 percent after inflation since 2001. And the typical American student now graduates from college with a $17,500 debt. This problem has developed into nothing less than a crisis.

Sadly, due to the failure of past Congresses, many students have had their dreams shattered because they could not afford college tuition. Many hardworking parents have had their hearts broken because, despite their valiant efforts, they simply could not afford to pay tuition and meet other vital family needs. This problem has festered for too long, and I have long believed, Mr. Speaker, that those in government must work with the people they are called to serve and not against them.

And that is what this bill does. It is the single largest investment in higher education since the GI Bill. It's good for our families. It's good for our students. It's good for our country.

Financial barriers to higher education not only hurt students themselves by robbing them of the education and training necessary to make a productive and positive impact in our communities; it hurts us all. Investing in our students will not only improve their future; it will help our economy and our retired workers whom they will support. It ensures our national security, continued improvements in health outcomes, and will help the United States maintain its role as a leader in developing new cutting-edge technologies. By providing students with access to higher education, we are bolstering every sector of our economy from medical research to manufacturing because we are creating the next generation of innovators and leaders. Investing in our younger generations will not only help our students and families who are need; it strengthens America.

The promise of the American Dream is the glue that holds our communities together. It was educational opportunity that provided me, the proud daughter of a working family, to obtain a first-rate education and ultimately find my way to the floor of the House of Representatives to fight for what is right. By denying the opportunities afforded by access to higher education, we deny our families their share of the American Dream.

The College Cost Reduction Act addresses this crisis in a fiscally sound and responsible manner. It is funded by cutting unnecessary subsidies to private lenders and putting our taxpayer dollars to work for the American people. So, Mr. Speaker, this act will not only put college back in reach for our families; it does so by cutting almost $21 billion in taxpayer subsidies to private lenders and reinvesting over $20 billion of the savings in our Nation's students and putting an additional $750 million towards reducing our Nation's deficit.

Specifically, the College Cost Reduction Act will cut the interest rates on subsidized student loans in half. The bill invests heavily in the much-needed, need-based Pell Grant scholarship program, increasing the maximum award by at least $1,090 over the next 5 years and expanding eligibility for the grants. By passing this bill, we will make a college education possible for hundreds of thousands of additional students over the next 5 years.

Additionally, Mr. Speaker, this legislation also recognizes the value of our public servants by providing them with loan forgiveness for those who choose to serve in the jobs that make our world turn: teachers, firefighters, nurses, law enforcement officers, and librarians.

Further, the College Cost Reduction Act provides upfront tuition assistance to qualified undergraduates who commit to teaching in public schools in high-poverty communities. This bill invests in the strength of our communities and of our country. And the return on our investment as a Nation in our students and people will, without question, provide an enormous return.

Mr. Speaker, the crisis of college cost is pervasive, and it is getting worse. It is long past the time that Congress take action to ensure that a college education is not a privilege reserved only for the wealthy.

I urge all of my colleagues to support our children and our families by voting for the rule and the underlying bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend, the gentlewoman from Ohio, for the time; and I yield myself such time as I may consume.

This rule that the majority brings forth today, Mr. Speaker, is a standard

rule for a conference report. But yesterday the minority on the Rules Committee voted against this rule because of the unsatisfactory manner in which the conference report was put together.

In his submitted testimony to the Rules Committee yesterday, Education and Labor Committee Ranking Member BUCK McKEON expressed concern with the process the majority used of the conference committee. The minority was informed at 9:30 p.m. that the conference committee would meet at 11:30 a.m. the following morning. However, the majority did not provide the minority with the text of the conference report at the time the meeting was announced and even kept the text away from Republicans at the meeting itself.

Republican conferees were, in effect, left in the dark. They had no way to know what was in the report. As such, it was impossible for members of the minority to propose amendments to the report and thus play any meaningful part in the conference.

Democrats did not even allow Republicans to see the conference report at the end of the meeting. Instead, Republicans had to wait until later in the evening hours after the conference committee had ended.

Mr. Speaker, our friends on the other side of the aisle campaigned, and they did so repeatedly, on an open, fair, and bipartisan process, including a promise to provide members of conference committees with texts of conference reports. They also said that they will allow members of the conference committee to vote on all amendments.

During consideration of the rules package for this new Congress, the distinguished chairwoman of the Rules Committee said, ''Never again will any Member of the Congress have to fight to find out where the conference to which he or she has been appointed is meeting.''

Well, in this instance, Members did not have to fight to find the conference committee location, but they certainly did have to fight to get the text of the conference report; and even after fighting, they did not get to see it. By keeping the text of the conference report away from the minority, Democrats were essentially locking out Republican Members from the conference committee, which is exactly what the Democrats said they would not do.

So, Mr. Speaker, because of the manner, the way the majority kept the text of the conference report from Republicans and thus committed, if you will, a process foul, we oppose this rule.

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

Ms. SUTTON. Mr. Speaker, I yield 6 minutes to the distinguished gentleman, the chairman of the Education and Labor Committee from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong support of this rule to make in order the conference report on H.R. 2669, the College Cost Reduction and Access Act.

In this last election, we campaigned very hard on cutting the cost of college for students and making college more affordable for students and their families who are borrowing money to go to school. And it is clear that we intend to do that with the passage of this legislation today.

In the first 10 hours as part of our 6 for '06 agenda, we cut the interest rates in half on the subsidized student loans so that those low-income families and middle-income families who are struggling to meet the debt burden of sending their children to school will have some relief in that effort. And over the next 4 years in this conference report, we will cut those interest rates from 6.8 percent to 3.4 percent, which is a savings of the average indebted student upon graduation over the life of that loan of some $4,400. Also for the lowest-income students, the students most in need, we are increasing the Pell Grant up to a level over the next 5 years of $5,400. This is in keeping with what the President promised but never did, and this is in keeping with our promise that we would again restore the purchasing value of the Pell Grant.

And you can see from this chart, Mr. Speaker, the fact is over the last several years, the Pell Grant has been flat-lined in spite of promises each and every year that it was going to be increased; and this year for the first time Mr. OBEY put money in, in the continuing resolution in the appropriations bill, and then this bill will continue to raise the Pell Grant to $5,400. This is the largest increase, certainly, in recent history.

It is important that these two populations, middle-income students and families and low-income students and families, have these resources available to them. And the reason it is important is we are now seeing increasing reports now estimated at more than a quarter of a million students who are fully qualified to go to school every year choose not to go to college, to postpone it, or not to go at all because they are worried about whether or not they will be able to manage the debt or afford the cost of college.

□ 1030

And it is our job to make sure that no student in America that is fully qualified to go to college is refused the opportunity to do so because of the cost of college. That has been the policy of this country since the GI Bill, and this is the largest investment since the GI Bill 50 years ago. But it was a policy of the Eisenhower administration, of the Kennedy administration, and essentially every administration on a bipartisan basis since then. But we now see college costs far outstripping the ability of families to pay for a college education, therefore requiring them to borrow money.

So in this legislation we take $20 billion away from the large lenders and other lenders of college loans, excessive subsidies that were paid for them, excessive subsidies that were identified in the President's legislation, and we recycle those monies to the benefit of the students and to their families, and we do so within pay-as-you-go, that each and every expenditure in this bill is paid for by the recycling of those excessive subsidies that were going to the lending institution. And in that way, we're able to deliver real money to these families in need in the form of a reduction in interest rates, in the form of an increase in the Pell Grants.

But we also do that so that those people who want to choose the profession of a policeman, a nurse, a fireman, a teacher, a special educator, a prosecutor, a public defender, that those individuals will be allowed to choose those careers and know that they will not have to make another choice because of the crushing debt of their college education. They, under this legislation, will not be required to pay any more than 15 percent of their income in any given year for these student loans. And what does that mean? That means they can start a career in nursing, in health care, in law enforcement, as a first responder, and they know that if they stay in that field for 10 years, that loan will be forgiven. That is a major advantage to those individuals who are seeking to go into those fields.

We also want to keep the promise of earlier actions in this Congress when we passed the COMPETES Act to have highly qualified teachers in math and science go into the classrooms. We're saying to those exemplary performers in college that if you'll go into teaching and you'll go into the most difficult schools, we will give you $4,000 a year up front while you're in school of tuition relief if you will agree to do that; 16,000 real dollars to those people because they're going to go in and teach in the most difficult schools, and the exemplary performers are going to have the skills and the talents to do that if they so choose to do it.

This legislation is the foundation of the cornerstone of our agenda on innovation for new discovery of this Nation, the next generation of discovery, of innovation, of economic growth and jobs here in America. This is the most valuable investment we can make. Every economist will tell you that the investment in education yields more back to the government, more back to the public sector, more back to civil society than any other investment we make. And that's what we're doing in this legislation. We promised we would do it. We started out in ''six for '06,'' and today, with this conference report, the House and the Senate is keeping its promise.

We've made changes in this legislation that were suggested by Mr. McKEON and by the administration. And I am proud to announce that the President, in spite of his suggested veto messages or his staff-suggested veto messages over the last couple of

months, the President has agreed to sign this legislation.

I encourage all of my colleagues to join in support of this rule and to support the conference report when it comes before us. I hope that we will have a good bipartisan vote as they're now having in the Senate at this very moment.

I thank the gentlewoman for her support in this effort and for yielding the time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield such time as he may consume to the distinguished gentleman from California, the ranking member of the committee, Mr. MCKEON.

Mr. MCKEON. I thank the gentleman for yielding the time.

Mr. Speaker, I rise in opposition to the rule. This rule would provide for consideration of fiscally irresponsible legislation that would create costly new entitlement programs and misdirect billions of aid toward colleges, universities, college graduates and philanthropic organizations rather than the low-income students who need the help the most.

My colleagues who were around in the last Congress may remember that when we passed a real budget reconciliation bill, the Education and Workforce Committee found some $18 billion plus in savings, two-thirds of which we directed towards deficit reduction and one-third of which we directed towards increased student benefits such as higher loan limits, more grant aid for low-income, high-achieving students, and loan forgiveness for high-demand teachers. Unfortunately, H.R. 2669, the bill that will be before us today, takes us in a drastically different direction.

The rule before us provides for the culmination of months of abuse of the budget reconciliation process as a backdoor way to implement significant changes to programs best addressed through regular order. Not a single committee hearing has been held on this legislation. The potential impact of many of its student loan cuts has never been weighed, and no one has provided adequate reasons regarding why the new entitlement programs and complex student loan auction scheme created under the conference report are necessary or fiscally reasonable.

It eliminates the right of parents to choose their lender and replaces consumer choice with a government-run auction system that is complex, burdensome and untested. And all of this will be put into place in a couple of weeks time. I'm anxious to see how the department puts this into place.

This measure could have been improved by infusing more savings into the Pell Grant Program. Pell is a proven success that has helped millions of young people attend college. In the time during the last 12 years that we were in charge, we have increased Pell Grant spending double. As the chairman just pointed out, the amount of what he talked about, the individual aid to each individual student, has remained fairly even, but the amount that we have put in has been increased like a billion dollars a year over that period of time because we have a million and a half more students that have now been able to take advantage of that and use the money for their help in getting their chance to achieve the American Dream.

By creating a bundle of new entitlement programs complete with new bureaucracy, rules, and regulations, this conference agreement places billions of dollars in new Federal spending on autopilot with no accountability to taxpayers whatsoever, completely opposite of what the real purpose of reconciliation is for.

The purpose of reconciliation, requiring an easier passage by only requiring 50 votes in the Senate, was set up to reduce mandatory spending and to save money on the budget deficit. And this will actually increase and go just the opposite direction.

And finally, let me be perfectly clear: I have absolutely no confidence in the Department of Education's ability to implement the changes outlined in this conference agreement, particularly with the timeline it sets. It gives me no pleasure to point out this obvious fact, particularly in a Republican administration, but it's true. And sadly, we will be watching this failure play out in the coming months and years.

The rule allows consideration of a conference report that breaks promises to students and taxpayers alike. I urge my colleagues to join me in opposing it.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished 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, this is the single largest investment in education since the GI Bill, and we know what the GI Bill did for the World War II generation.

Last month, the American people lost 4,000 jobs under this administration, and foreclosures are rising. The middle class needs relief. And this bill will cut interest rates in half of subsidized student loans over the next 4 years. It will allow borrowers to be able to not pay more than 15 percent on their loans.

In addition, the Pell Grant, something that has helped low income, students, and what all of my students ask about every single time I visit college campuses, will be raised to $490, and over 5 years more than $1,000. And then we will invest in America's most underserved communities, Hispanic-serving, Historically Black, Native Americans and other institutions in which the bill will invest $510 million to help students stay in school among other incentives.

This legislation helps our students graduate. It encourages public service. This bill is worth all of us voting for it. The middle class of America needs relief. This is a giant step forward in educating all Americans.

Ms. SUTTON. Mr. Speaker, at this time, I yield 1 minute to the gentleman from New York, a distinguished member of the Education and Labor Committee, Mr. BISHOP.

Mr. BISHOP of New York. I thank the gentlewoman for yielding.

Mr. Speaker, it is difficult for me to summarize in 1 minute the attributes of this first-rate conference report, but let me just say this: For a period of time before I came to the Congress, I was the senior administrator in a college. I had a very simple rule when I was faced with a decision. That rule was: Is the decision I'm about to make in the best interest of students, will it help students? And by that measure, the answer to this question is an emphatic ''yes.''

We should be supporting the rule. We should be supporting the underlying legislation. This legislation helps students realize their dreams, and that's what this Congress should be about. This is about student aspiration, and this is about the Congress providing the resources to see to it that students can get their slice of the American Dream. And by increasing the Pell Grant maximum, by reducing the rate that students will have to pay when they borrow, and by streamlining the needs analysis system so that students have a more realistic measure of their ability to pay, we will increase access, we will enhance affordability.

We should support this rule and support this conference report.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, a distinguished member of the Education and Labor Committee, Mr. DAVIS.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the rule for H.R. 2669, the College Cost Reduction and Access conference bill.

Mr. Speaker, first of all, I want to commend the leadership in both the House and the Senate for this outstanding legislation. This bill recognizes the fact that without investment there is no return. And it is, indeed, a strong investment in the future of America.

There are many components of the bill that are outstanding: loan forgiveness for public service, loan forgiveness for individuals who teach in high-need institutions, schools. But especially, Mr. Speaker, I am pleased to note that this legislation focuses attention on the needs of primarily minority-serving institutions like Hispanic-serving institutions, Historically Black Colleges and Universities, PBIs, predominantly black institutions, and of course Native American and Pacific Island institutions.

I want to commend Mr. HINOJOSA, who is the chairman of our subcommittee, and urge that this legislation be passed.

First of all, Mr. Speaker, I want to commend the leadership in both the House and the Senate for this outstanding legislation. This bill recognizes the fact that without investment, there is no return. And it is indeed a strong investment in the future of America. It expands access and makes higher education more accessible for all. It increases the Pell grant maximum to $4,800 next year and to $5,400 by 2012. It cuts interest rates, provides upfront tuition for students who agree to teach in high-need public schools, provides loan forgiveness for some public employees and, Mr. Speaker, I am especially pleased that it recognizes the unique needs of primarily minority serving institutions like Hispanic-serving Historically Black Colleges and Universities, Native American, Pacific American, Asian American and Predominately Black Institutions in which I took a particular interest. Importantly, it includes $510 million for these minority-serving institutions and $30 million for PBIs specifically.

Again, Mr. Speaker, I want to commend the leadership in both the House for this great work and especially subcommittee Chairman HINOJOSA for his strong positions on the needs of minority students and primarily minority serving institutions.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reiterate that the process by which this conference report was composed was not fair. And it, in effect, violated the promises made by the other side of the aisle very recently, very recently made and reiterated. The process was profoundly unfair. I stressed that in my previous remarks, and I reiterate it now.

In addition, we've heard from the distinguished ranking member with regard to grave concerns by many of those who have been working on this issue, such as Mr. MCKEON, for many years.

So for those reasons, Mr. Speaker, we oppose this rule and would urge a ''no'' vote on the rule.

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

Ms. SUTTON. Mr. Speaker, the Congress has an obligation to address the needs of the American people, and to work with them to address the pressing problems that they face.

Today, we take a great step towards regaining the faith of the American people as we pass the College Cost Reduction Act to provide hundreds of thousands of American families with the opportunity to create a better life for their children. I am proud to be a part of that effort.

The College Cost Reduction Act is a fiscally responsible bill which makes the single largest investment in college aid since the GI Bill, which, as we all know, provided our Greatest Generation with the opportunity to create the Nation we know today.

This legislation invests over $20 billion in student aid, and does so with no additional cost to the taxpayers.

Before I close, Mr. Speaker, I want to again applaud the extraordinary leadership of Chairman GEORGE MILLER in making college affordability a top priority.

□ 1045

Under his guidance, all of the members of the Education and Labor Committee have crafted a good bill that works for our families and our country.

Mr. Speaker, I urge all of my colleagues to vote for this investment in our children, in our economy and in our future, to keep faith with the American people, and to send a clear message that the American Dream is not a relic of the past, but a cornerstone of our future.

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today, in the following order:

Adoption of H. Res. 636, by the yeas and nays;

Adoption of H. Res. 637, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

PROVIDING FOR CONSIDERATION OF H. Res. 636, PATENT REFORM ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 636, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 222, nays 181, not voting 29, as follows:

[Roll No. 860]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gallegly
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (TX)
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
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
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
Castle
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
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
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Jones (NC)
Jordan
Kaptur
Keller

King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shuster
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—29

Bishop (UT)
Boyd (FL)
Carson
Carter
Cubin
Davis, Jo Ann
Ellsworth
Gilchrest
Hastert
Holden
Hooley
Jindal
Johnson, Sam
Jones (OH)
McMorris Rodgers
Myrick
Pallone
Paul
Pearce
Pickering
Reichert
Royce
Sanchez, Loretta
Shimkus
Tancredo
Walsh (NY)
Watson
Weller
Young (AK)

□ 1111

Messrs. DEAL of Georgia, BAKER, McCARTHY of California, CALVERT and CAMPBELL of California changed their vote from ''yea'' to ''nay.''

Messrs. KILDEE, GALLEGLY and TAYLOR changed their vote from ''nay'' to ''yea.''

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 CONFERENCE REPORT ON H.R. 2669, COLLEGE COST REDUCTION AND ACCESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 637, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 27, as follows:

[Roll No. 861]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
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
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
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
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
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
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—185

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
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Kaptur
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
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—27

Boyd (FL)
Carson
Carter
Cubin
Davis, Jo Ann
Davis, Lincoln
Ellsworth
Hastert
Holden
Hooley
Jindal
Johnson, Sam
Jones (OH)
Myrick
Pallone
Paul
Pearce
Pickering
Reichert
Royce
Sanchez, Loretta
Shimkus
Tancredo
Walsh (NY)
Watson
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1120

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 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. 2669) ''An Act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.''.

CONFERENCE REPORT ON H.R. 2669, COLLEGE COST REDUCTION AND ACCESS ACT

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to House Resolution 637, I call up the conference report on the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. SOLIS). Pursuant to House Resolution 637, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 6, 2007 at page H10168.)

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE

MILLER) and the gentleman from California (Mr. MCKEON) will each control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the conference report on H.R. 2669, the College Cost Reduction and Access Act, legislation that provides for cutting the interest rates on subsidized student loans from 6.8 to 3.4 percent over the next 5 years; that calls for the biggest increase in the Pell Grant in the history of the program, $1,000 new dollars over the next 5 years; that provides for an income-contingent payment plan where people will not have to pay more than 15 percent of their income on student loans; and if they go to public service, that loan can be forgiven for 10 years; and provides major support for the minority-serving institutions of this country. This is all done within the PAYGO rules because of the $20 billion in excessive subsidies that were being paid to lenders in this field, and so we comply with the Budget Act.

I rise in support of the conference report to H.R. 2669, the College Cost Reduction and Access Act.

Yesterday, we held a rally to highlight the benefits of this legislation for out nation's students and families. It is clear from listening to the students at the rally that one of the greatest challenges facing them today is the rising cost of college and high student loan debt.

With students returning to campuses, I can think of no better back to school gift than passing a bill that represents the greatest effort to help students and families pay for college since the GI Bill was passed more than fifty years ago. This is no ordinary gift. This is real money we are providing for students and families which translates into real relief.

As we have mentioned since the beginning of this process, these historic investments in education are being done in a fiscally responsible way. This conference report will fully comply with new House rules that require all federal spending to meet tough pay-as-you-go budget rules.

Additionally, the conference report will set aside $750 million in budget deficit reduction, demonstrating that with smart policy, we can be fiscally responsible and be responsive to the concerns of the American people. This conference agreement significantly increases the Pell Grant scholarship over the next five years to a maximum of $5,400. This investment—almost double the investment in the House bill, and the largest increase in the scholarship's history—will greatly restore the purchasing power of the scholarship for students with the most financial need, meet the President's 2008 budget request, and also address concerns raised by Mr. MCKEON during House consideration of this measure.

This agreement also: Cuts interest rates in half for need-based student loans from 6.8% to 3.4% over 4 years. When fully phased in it will save the typical student $4,400 over the life of the loan. This measure was overwhelmingly supported by this body in January; makes new investments in Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority serving schools—to ensure that students will not only enter college, but remain and graduate; makes debt more manageable for students through an Income Based Repayment program; provides loan forgiveness and loan repayment options for those providing a public service; and ensures that we place a highly qualified teacher in every classroom through the creation of TEACH grants.

As mentioned before, this bill is fully paid for with cuts to lender subsidies.

It builds on proposals we passed in H.R. 5 and on proposals outlined by the President in his 2008 budget.

We believe the reasonable offsets in the final package meet our goal to ensure the continued participation by the lenders in the FFEL program as anticipated by the Congressional Budget Office. While a challenge, we believe this final package balances our commitment to minimizing the burden placed on lenders with our commitment to helping students.

As you can see, this conference agreement is a remarkable step forward in our efforts to help every qualified student go to college. This is a foundation we will continue to build on. As I mentioned at the conference meeting, I am committed to continuing these efforts when the House considers the reauthorization of the Higher Education Act this year.

Given that we have addressed many of the concerns raised by the Administration, I received confirmation yesterday from Secretary Spellings that the President is expected to sign the final bill.

I hope that my colleagues on the other side of the aisle will follow the lead of the White House and the Senate—who overwhelmingly passed this legislation not too long ago—and vote in favor of this carefully crafted compromise.

Rather than stand between our nation's students and their ability to access much needed financial relief, I urge all members to vote in favor of the conference report on the College Cost Reduction and Access Act.

Today this body is voting to do what is right for students, our economy, and our nation's future. Together we are putting the American Dream back within reach of every family in this country.

Madam Speaker, I now yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT), the chairman of the Budget Committee.

Mr. SPRATT. Madam Speaker, I rise in strong support of the conference agreement on H.R. 2669. I am proud to say that this is a reconciliation bill which originated with the budget resolution for fiscal year 2008.

This is also a happy occasion where good policy for education is also good for the budget's bottom line. This bill will reduce the budget deficit. That's right, it will reduce the budget deficit over 5 years by $750 million at the same time that it invests in human capital and makes colleges more affordable for millions of students.

I am proud to see this outcome, proud to have gotten the ball rolling in the Budget Committee to start the process, and I commend the chairman who has taken this bill from January to September, passing it step by step through the House, through the Senate, conferencing it, in no small part due to the reconciliation status it enjoyed in the Senate, and I hope that the whole House will note the support that it has gotten. This is a solid, substantive bill for college students. I hope the conference report will pass handily in both Chambers and I hope the President will take note and sign this bill into law.

Madam Speaker, I rise in strong support of the conference agreement on H.R. 2669, the College Cost Reduction and Access Act. I am proud to say that this is a reconciliation bill, which originated with the budget resolution for fiscal 2008. This is also a happy occasion where good policy is good for the budget's bottom line. This bill will reduce the budget deficit at the same time that it invests in human capital and helps make college more affordable for millions of students.

The conference agreement complies with our budget resolution for fiscal year 2008, which instructed the House Committee on Education and Labor to cut spending under its jurisdiction by $750 million by 2012. By passing this measure, the House maintains the tough pay-as-you-go rule and the rule barring reconciliation bills that increase the deficit, a rule the House instituted for the 110th Congress in January. These budget rules require Congress to make tough choices to meet priorities while restoring the budget to balance, and the House has insisted on enforcing these rules in every case.

This reconciliation bill is a stark contrast from those enacted by Republican-controlled Congresses. Every Republican reconciliation directive since 1994 has resulted in reconciliation packages consisting primarily of huge tax cuts that increased the deficit. In contrast, this reconciliation bill is better than budget-neutral; over fiscal years 2007 through 2012, it results in budgetary savings of $752 million.

In addition to making a net reduction in the deficit, this bill makes improvements in student loans and grants, paid for by cuts in subsidies to student loan lenders. It provides more than $20 billion in new resources to make college more affordable by lowering the cost of student loans or by increasing the grant available. For example, by 2012 the bill increases the maximum Pell grant to $5,400, a 33 percent increase over what the maximum grant was when the 110th Congress was sworn in. The bill also cuts by 50 percent the interest rate that students pay on subsidized student loans.

To offset the cost of these student benefits, the bill reduces subsidies that the government pays to banks. These reductions are similar to those in H.R. 5, which passed the House in January by a bipartisan vote of 356–71, and to the subsidy cuts in the President's 2008 budget proposal.

I commend the committee, and its able chairman, Mr. MILLER, for moving this bill step by step from January to September, passing it in the House and conferencing it. I hope that this bill will pass handily in both bodies, and I hope that the President will take note, and sign this bill into law immediately.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume, and I rise in opposition to this conference report which is the product of both a flawed policy and a flawed process.

The conference report was made available to Republicans for the first time less than 24 hours before it reached the Rules Committee. Unfortunately, that was just the latest in a series of disappointments we have endured throughout the process. But perhaps my greatest disappointment is the sinking reality that this conference agreement could have done more to help low-income students gain access to college. Instead, I fear we have squandered a tremendous opportunity.

College Cost Reduction, the name of this act, really is not a part of this bill. It is a huge spending bill. There is one element of this conference report worthy of praise, and I would like to begin there.

This conference agreement will invest approximately $11 billion in Pell Grants, which I believe are the single most effective tool to help open the doors of higher education to low-income students.

The gentleman from Florida (Mr. KELLER), the senior Republican of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, deserves great credit for the Pell Grant increases that have been provided over the last several years. Mr. KELLER is a champion for the Pell Grant program, having founded the Congressional Pell Grant Caucus to advocate for this critical program. The recipient of a Pell Grant himself, Mr. KELLER has shined a spotlight on the importance of targeting the Federal investment in higher education to serve low-income students.

If I had been in the room when this agreement was reached, I would have preferred to invest even more in Pell Grants. In fact, I advocated a straightforward approach to reform that would have saved billions of dollars by making the student loan program more efficient and plowed those resources directly into Pell Grants. It is an approach that I continue to believe would have received strong bipartisan support in both the House and the Senate. Instead, the Democrats opted to jeopardize the stability of the Federal Financial Education Loan program by imposing excessive cuts, created an unnecessary complex and cumbersome auction scheme that will deny parents a choice of loan providers, imposed an impossible timeline for implementation that sets students up for confusion and program participants up for failure, and created massive new entitlement programs.

I harbor serious concerns about this conference report when it is simply taken at face value. Unfortunately, I fear that when we consider the long-term ramifications, these concerns grow much more serious.

First, the conference report creates new entitlement programs, but only provides short-term funding. Every single person in this room knows that once created, an entitlement will not die. That means in 5 years we will be forced to make additional cuts to fund these new entitlements.

□ 1130

Second, the conference report includes the misguided plan to temporarily reduce interest rates. What once was a campaign promise has become a trap that will ensnare either students or taxpayers, and possibly both. The plan would temporarily phase down interest rates over the next 4 years, and just as soon as the rate gets down to half the level it is today, as Democrats promised during the campaign, it will jump back to its current level. The choice then becomes whether we break the promise to students and allow the rates to rise or break the promise to taxpayers that this legislation is paid for and stick them with an additional 20 to $30 billion to pay for those cuts over the next 5 years.

The third consequence of this proposal, which I believe the majority has not considered, is the undue burden that will be caused by its hasty implementation. The conference report presumes that complex technological and service changes will be implemented in a matter of weeks. It seems almost inevitable that this unrealistic timeline will create chaos within these programs for students, program participants and the Department of Education.

And, finally, let me be perfectly clear. I have absolutely no confidence in the Department of Education's ability to implement the changes outlined in this conference report, particularly with the timeline it sets. It gives me no pleasure to point out this obvious fact, particularly in a Republican administration, but it's true, and sadly, we will all be watching this failure play out in the weeks, months and years ahead.

There's another issue that bears mentioning, and it's what this conference report unfortunately does not do. Despite its lofty name, this legislation does nothing at all to reduce the cost of college. It didn't have to be this way. In fact, the bill that passed the House contained provisions that I championed to make college cost increases more transparent to students and parents. These commonsense reforms were stripped away, leaving consumers with nothing.

The majority will tell you these college cost provisions were removed because they did not meet the stringent rules applied to a budget reconciliation package. That may well be true. If so, I consider it further proof that by abusing the reconciliation process we missed key opportunities to help students.

While this conference agreement is unmistakably a product of the Democratic Congress, I cannot help but express my disappointment in the administration for their role in this process. The fiscal year 2008 budget request proposed excessive cuts to the student loan programs, cuts that I believe may ultimately destabilize the largest source of Federal financial assistance. And when the bill left this House, the administration promised to veto the bill if some of these egregious measures were left in the bill. They are still there, and I now understand the President will sign the bill.

This conference agreement makes a significant investment in the Pell Grant Program. For that, I'm appreciative. I only wish it had done more. I wish that we could have seized upon the opportunity, worked together in a bipartisan fashion, and produced a conference report that lived up to its name.

Madam Speaker, I am deeply disappointed in the conference report we are considering and the process that was used to get here, and so I must oppose final passage.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1¼ minutes to the gentleman from Illinois (Mr. EMANUEL) who has worked very hard on this legislation. Thank you for that.

Mr. EMANUEL. Madam Speaker, I'd like to thank my colleague from California for his leadership on this legislation. We will pass this legislation, and now the President's agreed to sign the most aggressive college student aid package since the GI bill 60 years ago. In an era where you earn what you learn, this bill will ensure that more Americans have access to a college education.

Today, the average student graduating from college graduates with $19,000 of debt. So, on graduation day, you get a diploma on one side and you get a $19,000 bill on the other side. This legislation will ensure that more and more Americans have the access to a college education. Not one of us would be here if it wasn't for the fact that we had had access to a college education and the ability to make something of ourselves.

This will ensure that middle-class families and their children do not suffer under the burden of the cost of rising costs of a college education.

I remember when I was running for office and I met a family in Chicago, Illinois. He was a police officer for 11 years. His wife was a teacher in a parochial school. They had two kids in high school, and they looked at me on their doorstep, and they had to make a decision: a third job among them, a second mortgage on their home, or burdening their children with $19,000 of additional debt.

This legislation ensures they are both good parents and their children have access to a great college education.

And I again want to compliment the leadership from my colleague Congressman MILLER for producing this legislation in such a speedy time.

Mr. MCKEON. Madam Speaker, I am happy to yield 3½ minutes to the gentleman from Indiana, a member of the committee, Mr. SOUDER.

Mr. SOUDER. Madam Speaker, I thank the distinguished ranking member, and I stand up in opposition to this bill, not because I don't want to control tuition costs. This bill doesn't control tuition costs. This is a fundamental disagreement about the direction of our government.

Do we believe in markets or do we believe in the Federal Government? This is a remnant of the battle where we moved from direct lending over to free-market lending, that this bill, in fact, does nothing to control costs. Inevitably it will lead to the government taking over in direct lending and government having to try to fix costs of lending and then to fix the tuition costs, because there's nothing in here that balances tuition costs.

Previously, students and parents, if they had to factor in rising tuition costs and they couldn't get affordable loans, the pressure of the market would come on universities and colleges and alternative forums, and the market would respond, but this bill releases the market pressure.

Furthermore, in this bill there are other things that, instead of putting the money for those students who are highest risk and have the least income in Pell Grants, we've expanded into the middle class where the only hopeful pressure for tuition costs would come from. Students who could achieve academic scholarship in most universities can get into the highest universities if they can achieve the scholarship level. Let's look at this debate where it really is. It's in the middle class. It's about does the private sector manage loans better than the public sector and how does that triangle work with the universities.

For example, under private sector lending, bad debts have gone down. Why? Because you get financial counseling. There's a private sector incentive to make a profit that results in counseling of saying, will your degree match up your ability to repay or we won't give you the loan. They also put the pressure on the institutions, even with a small portion of the student loan being actual private sector.

But there's a provision in this bill, and I don't use this in a pejorative term, I use it in actual dictionary term, is the most socialist provision that I have seen in a bill, and it's the income-based repayment plan. It says that you only take 15 percent of your discretionary income to repay the interest, which then gets capitalized into the capital. Let me use my own personal example.

My father, we came from a nice middle-class family but middle class at best, in retailing. My dad told me he would either pay my way through grad school or undergrad. If I wanted to go to grad school, the college of my choice, he had saved a certain amount of money. I would have to live at home and go undergraduate. I got a great education at Indiana Purdue University in Fort Wayne, and then went to the University of Notre Dame. My father would have had no incentive under this bill to do so because in furniture retailing, followed by being a congressional staffer, I did not make enough money that I could have repaid my loan to Notre Dame or my undergraduate loan, and I would have had that loan excused at 25 years. I would have never paid, probably based on my salary, based on inflation adjustment, not a dime on the principal. There would have been no market management on my dad to save the money or on me.

This bill, by undermining both the lending premise of the private sector and the personal responsibility of parents and students to balance this, is a purist government takeover of a project that will not reduce the cost of student loans but will expand the power of government and the inefficiencies of government and ultimately damage students of America.

No matter how good and tempting it sounds, no matter what the campaign commercials sound like, it is a terrible, terrible bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA), who is the subcommittee Chair of the Higher Education Subcommittee and who has just been so instrumental in the success of this legislation.

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

Mr. HINOJOSA. Madam Speaker, I strongly urge all of my colleagues on both sides of the aisle to support this conference report.

Today, the payoff for investing in education is even greater and the stakes are higher. The College Cost Reduction and Access Act will open the doors of higher ed to a new generation of students. This is our moment to take a stand for our future competitiveness and prosperity. Investment in Pell Grants is increased significantly.

It supports college success for first generation, low-income students by dedicating additional resources to Upward Bound and College Access Challenge grants. It invests in our public servants and in our teachers.

I am particularly proud of our work to strengthen the institutions that are the gateway of access to higher ed for minority students.

Through this legislation, we will increase funding over several years by $510 million in HSIs, HBCUs, tribal colleges, Native Hawaiian institutions and newly designated predominantly black institutions, as well as institutions serving Asian Americans.

I commend Chairman MILLER, Senator KENNEDY and all my House colleagues on both sides of the aisle on the Education and Labor Committee for their hard work and leadership in crafting the College Cost Reduction and Access Act. It has been my privilege to work on this legislation.

This conference report has already been passed in the Senate, and I'm very happy about that. I urge my colleagues to support this conference report.

Mr. Speaker, I strongly urge all of my colleagues on both sides of the aisle to support this conference report. H.R. 2669, the College Cost Reduction and Access Act, represents the largest investment in college access since the GI bill. Over the next 5 years, we will increase our federal support for higher education by $20 billion. This is a once in a generation opportunity.

I can still remember when, college was not even in the realm of possibility for people who came from communities like mine. That was until the GI bill opened our college campuses to our returning veterans—rich, poor, black, Hispanic—they all had a shot at the American Dream of a college education. Our nation became smarter, stronger and richer as a result of this egalitarian investment in education.

Today, the pay off for investing in education is even greater and the stakes are higher. The College Cost Reduction and Access Act will open the doors of higher education to a new generation of students. This is our moment to take a stand for our future competitiveness and prosperity. Investment in "Pell Grants" is increased significantly! The College Cost Reduction and Access Act is a strategic package of investments to expand higher education opportunities. It guarantees a minimum increase of $1090 in the maximum Pell grant over the next 5 years—reversing the last five years of stagnant funding.

It supports college success for first-generation, low-income students by dedicating additional resources to Upward Bound and College Access Challenge grants. It invests in our public servants and in our teachers.

I am particularly proud of our work to strengthen the institutions that are the gateways of access to higher education for minority students. Through this legislation, we will increase funding over several years by $510 million dollars in HSIs, HBCUs, tribal colleges; Native Hawaiian Institutions, and newly designated predominantly Black Institutions; and Institutions serving Asian Americans.

Some on the other side will say that we are investing in institutions at the expense of students. This argument reflects a fundamental lack of understanding of the communities that will fuel the growth in our workforce and the need to develop their capacity to provide higher education opportunities.

The 2007 Condition of Education reports that 42 percent of our public school children are racial or ethnic minorities—one in five is Hispanic. HSIs, HBCUs, and other minority-serving institutions are only going to grow in their importance for ensuring that our nation continues to have enough college graduates to fill the jobs in our knowledge-based economy. They are a worthy investment.

I commend Chairman MILLER, Senator KENNEDY and all of my House colleagues on the Education and Labor Committee for their hard work and leadership in crafting the "College Cost Reduction and Access Act". It has been my privilege to work on this legislation. This conference report has already passed in the Senate!

I urge my colleagues to support this conference report.

Mr. MCKEON. Madam Speaker, I am happy to yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank my colleague for yielding.

I come to the floor today opposed to this bill. This budget reconciliation conference report before us today creates five new entitlement programs and abuses the protection of the reconciliation procedures.

A number of programs that were a part of discretionary spending, that depended as to whether the money was available in the budget or not and whether we had the money available to fund those programs, determined exactly how much money would be spent on those programs, but now they will be moved into entitlement status. More money, rather than going through a process where we review the spending every year, is on automatic pilot. And sure, the bill says that these programs will sunset, but those of us that have been here for a while know that entitlement programs never sunset. They just grow larger and larger and larger. And the Federal Government and this Congress loses control over that spending.

The discussion about the student loan interest, cutting it in half, it goes down and scales down over a period of 4 or 5 years and in the 5th year it comes back to its full amount. Why? Because we can't afford it or the other side hasn't been able to find the 20 to $30 billion that's estimated would actually be necessary to continue this program in the past. Will they find it in the future? Probably. It will be called deficit spending.

This bill is a massive attack on the private sector. There are significant increases in new Federal mandatory spending. It grows government one more time. It puts the Federal Government in control of more parts of the education sector, the education process, squeezing out the private sector, squeezing out parents and inserting big brother and big government in the process.

But under this administration, when it comes to education, why am I not surprised that we're talking about more government and less parental involvement?

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I thank and congratulate my chairman and friend for this excellent piece of work.

When middle-class people, when police officers and real estate agents and computer programmers sit down to fill out the forms at the kitchen table and apply for financial aid, they end the process very frustrated because they quickly conclude there's nothing in there for them. After hours and hours of putting their tax returns forward, filling out forms, there's nothing in the financial aid laws for middle-class people. That's the way people feel.

This bill changes that. For the first time in a long time, there is aid to middle-class students under this bill, and here's the way it works.

□ 1145

When your son or daughter borrows money, and we wish there were less borrowing and more scholarships, but the reality is, given the fiscal constraints we have, there is going to be borrowing. When your son or daughter borrows money, their repayment of that loan will rise as their income does. So when they are new, they have their first apartment, their first car payment, other issues in their life, their payments will be low. But as their incomes rise, their payments will rise to pay their loans back.

This is a loan repayment program that works the way life does. You start out with a low income and a lot of obligations, and hopefully your income grows. When it does, your payments do; but if it doesn't, then your payments stay reasonable.

This is the way life works. This is the way the student loan program ought to work, and I commend the chairman for his leadership in making this happen and urge a ''yes'' vote for this bill.

Mr. MCKEON. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a member of the committee.

Mr. PRICE of Georgia. I thank my good friend from California for his wonderful and diligent work in this area, an area that we ought to have had a bipartisan bill.

Madam Speaker, this bill is interesting and a curious work product of this House, one that I believe will be troubling to the Nation. What the Democrat majority has done is brought together the ingredients in a huge recipe for bad policy.

So far, the new majority has kept the Republicans out of the process. Not a single House Republican, not one, was involved in the conference committee report or signed it. They have manipulated the recommendations of the administration to serve their ulterior motives, and they have disregarded input from key stakeholders and students and parents across this Nation.

As a result of this recipe, the Congress has a final product that distorts the reconciliation and puts at risk expanding college access for students over the long term.

We predicted, during the debate of the budget resolution, that the ''savings,'' ''savings'' in the reconciliation process were a fig leaf. Today the House is debating a bill which spends nearly $22 billion more in new entitlement spending just to get $750 million in savings. That's fuzzy math.

Fact, entitlement growth, automatic spending is unsustainable and consumes more than half the entire Federal budget. It is also fact that if left on autopilot, by 2030 that automatic spending will consume the entire Federal budget.

Without true spending reform, entitlements will crowd out all other spending. This bill, H.R. 2669, makes a major mistake of magnifying the problem by adding new entitlement monies.

In fact, the conference agreement dedicates $1.17 billion to new automatic spending programs. At a time of run-away spending, the Democratic majority is intent on creating these massive new spending programs instead of dedicating the savings to deficit reduction. Such an approach continues us down the path to fiscal irresponsibility.

Now, all of that might be okay if, if the changes offered would truly help students, but they don't. The Democrats have decided to favor a Washington-run bureaucrat student-lending system rather than a flexible, responsive free market alternative. This bill cuts over $22 billion in the Federal Family Education Loan program. The only conceivable reason to do that is to paralyze it and put it at a disadvantage to the direct government loan program or Washington-run program.

This is unfortunate because that Federal Family Education Loan program has proven to be far more successful, does a better job of providing student loans. This is reflected in the fact that for nearly every government loan, there are four loans by the Federal Family Education Loan.

In the end, Democrats want to cripple this program because they favor a centralized governmental approach to this Nation's challenges. All these drastic cuts do is put at risk the need for students and the access that they will have to a college education over time.

For these reasons, I strongly urge my colleagues to oppose the bill on the floor.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 1 minute to the Republican leader, former chairman of the Education and Workforce Committee, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

Madam Speaker, I express my disappointment in having to oppose the gentleman's bill.

I know Members on both sides of the aisle have worked hard over the last few years, including efforts on my own behalf when I was chairman of the Education and Workforce Committee, to help make college more affordable for more of America's students.

Most of us wouldn't be here had it not been for a chance at a decent education and a college education to allow us the opportunity to be all that we can be here in America.

I think all of us agree that we want these opportunities for all students.

That's why 18 months ago, when we passed the Deficit Reduction Act, we fundamentally reformed the college loan system and saved some $16 billion.

In that same bill we offered benefits for students, low-income students who would enter into an agreement to study math and science at 4-year institutions. I thought this was a sound bill, and we made sound efforts.

When I look at the bill before us, there are a number of concerns that I have. First is that the cuts to the private sector loan program that are involved in this bill, I think, will cripple the private sector loan program.

When you look at what the private sector has brought to students and their parents across the country, they have brought a lot of innovation. They have brought new ideas, new techniques to help more students and their families be able to afford a college education.

To cripple that, in my view, is an effort to drive more of those families and students to the direct loan program, this government-run program that, in my view, is misguided. I didn't support it, as my friend from California well knows, didn't support it when it happened some 16 years ago.

As we look at the direct loan program, it looked like a government-run program, with very few benefits for students and, clearly, not very cost-effective as well. That's my first concern.

My second concern is that we all around here, over the 17 years that I have been here, pledged fiscal responsibility. We have got to be careful about how we spend the taxpayers' funds.

When we look at the bill before us, we create five new entitlement programs. These are the programs that get put on automatic pilot. While they may be paid for here in the first 4 or 5 years, some of the provisions in this bill will cost 10 to $20 billion over the next 10 years that's not paid for. That's according to the CBO.

While we pledge fiscal responsibility, at the end of the day, we have to stand up and do it. You know, the American people send us here to make decisions on their behalf, and fiscal decisions on their behalf.

We ought to make those real decisions. But when you look at the real long-term cost of this program, I think it's not paid for, it's fiscally irresponsible. At a time when we are trying to balance the Federal budget, this is a step in the wrong direction.

I applaud my colleague from California, the chairman of the committee and my friend. We have worked together for a long time on these issues. I applaud him for his tenacity in putting this bill together.

There is no surprise to him nor me that we would disagree about the benefits of this bill. He sees his glass as half full; I see it as half empty. I really see it empty when it comes to the issue of being fiscally responsible and standing up to do the right things that the American people sent us here to do.

I would ask my colleagues, these are the hard decisions, well-meaning bill, well meaning, well intentioned, but, long term, I think it's a real mistake for students and taxpayers here in America.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 3 minutes to the gentleman from Utah, a member of the committee, Mr. BISHOP.

Mr. BISHOP of Utah. I thank the ranking member from California.

Madam Speaker, I stand, I guess, to oppose the reconciliation bill that doesn't reconcile much. In this particular bill, it encourages direct loan programs, programs that are paid for and controlled by the Federal Government, and whether intentionally or not, a tax to discourage programs like FFEL, which are public-private partnerships where the government actually provides funds, but they are not administered by the government.

In a clumsy way of verbiage, by lumping not-for-profit programs, and not-for-profit program lenders in the same category as for-profit lenders, it creates an unintended consequence that does harm to college students in my State.

My State has a higher education authority program. It's a not-for-profit-program administered by the State that provides students who have loans under this program with deductions. It's 1¼ percent automatic deduction if you have an automatic payment program. It's a 2 percent deduction on the rate after 48 consecutive payments have been on time, which means for a kid on this program on a standard $15,000 Stafford loan, he could actually save $2,000 over the cost of that loan and over what would happen in a direct pay program. Perhaps I am a little bit sensitive to this because I still have four kids in college, and I know what the expense of college actually means.

In this reconciliation bill, by lumping the not-for-profit programs with profit programs, the margins that they have in these not-for-profit programs are so small that these deductions will no longer be available, if, indeed, the program can survive by itself.

It will force students in my State either to pay the full government rate without any deductions or go to the full rate of a for-profit lender.

I know the intention of this bill is not to hurt kids. The intention of this bill is perhaps to rid FFEL programs; but in so doing, it actually does, in fact, hurt real kids who have programs right now or who may be having programs in the future.

Oftentimes when we fiddle around education, we have unintended consequences; but our actions here, because it is at such a gross level, have unintended consequences of hurting real live people. This bill does that. Not intentionally, but it still does that.

It would have been far better for us to do the program that the ranking member was always talking about, encouraging and expanding Pell Grants. That would do more to help kids than all the other restructuring we are doing in this particular reconciliation bill.

For those reasons, because it does hurt kids in my State, I have to oppose the reconciliation bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), the ranking member on the Budget Committee.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this bill, and I choose my words carefully when I say this, but this bill really, in my opinion, is a cynical attempt to make a campaign promise good. When I say that, I mean it's three things: number one, in the guise of budget reconciliation, the reason this bill is here so quickly to the floor, through conference so fast, out of the other body is they brought it to the floor through budget reconciliation.

What is budget reconciliation? It's a way of reducing the deficit, $752 million of savings for over $20 billion of spending. That's a cynical attempt to exploit the budget deficit reduction process to create a brand-new government program and an avalanche of new spending.

Why else is it cynical? It cuts student rates in half for 6 months, and then it doubles it 6 months later to try and shoehorn this bill into compliance with the majority's PAYGO. To try and say that they are paying for this bill, they give students, graduates, not students, graduates a cut in their interest rates for 6 months in half and then double it 6 months later.

It also, cynically, creates five new entitlement programs. What are entitlement programs? Entitlement programs are spending programs that go on autopilot. It has sunsets in these programs, but the most permanent thing in Washington is a temporary government program, especially a temporary entitlement program.

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Take all this together, and assume that Congress, down the road, will not eliminate these five new entitlement programs once they've been established. Assume they won't just cut interest rates for graduates for only 6 months, but for longer, and you've got another 20 to $30 billion of spending out the door.

And lastly, Madam Speaker, this takes from the private sector and gives to the government. This puts onto the taxpayers' liability these liabilities. This says, instead of private firms that are out there processing loans right now that worked really well, my student loans came from these sources,

this says, no, we want the taxpayer to bear the burden. We want the taxpayer to be on the hook for these loans if they default.

Look, we have problems with loans all over. We have this meltdown in the mortgage markets with sub-prime loans, and we're saying, now, in Congress, let's put more liability on the taxpayer books? If it ain't broken, don't fix it. We have a system that works well. We have a system that helps students.

This bill does nothing to address the high cost of tuition. It cynically attempts to make it appear as though it makes borrowing a little less expensive for people after they graduate, and then it doubles the interest rate 6 months later.

For all of those reasons, Madam Speaker, the abuse of the budget reconciliation process, the increase of taxpayer liability, and the creation, irresponsibly, of five new entitlement programs, when three current entitlement programs right now are bringing us into a mountain of debt, a mountain, a legacy of debt to our children and grandchildren, the last thing we ought to do is create five new entitlement programs.

For all those reasons, I urge a ''no'' vote, Madam Speaker.

Mr. MCKEON. Madam Speaker, I am happy now to yield 3 minutes to the gentleman from Florida (Mr. KELLER), the subcommittee ranking member on the higher education portion of the Education Committee.

Mr. KELLER of Florida. Madam Speaker, I'm going to limit my comments to the Pell Grant portion of this legislation.

I'm honored to serve as the ranking member on the Higher Education Subcommittee. I used to be the chairman of this committee before the change in Congress, but I still have the honor of serving as the chairman and founder of the Pell Grant Caucus.

Pell Grants are money we give to children from low- and moderate-income families to help them go to college. I, myself, would not have been able to go to college if it wasn't for Pell Grants. Pell Grants are truly the passport out of poverty for many worthy young people.

We believe, in a bipartisan manner, that all children, rich or poor, deserve the opportunity to go to college through Pell Grants. When this College Cost Reduction Act was initially presented in the House, I felt that it spent too much money on new entitlement programs and too little on Pell Grants. For example, it had an increase of $5.8 billion. I was honored to serve on the conference committee. I made those comments during our conference committee. And the conference committee decided to increase the Pell Grant funding from $5.8 billion to $11.4 billion, doubling what was in the original House bill.

What does that mean for young people going to college? That means the maximum award is now going to go from $4,310 to $5,400, phased in over time.

Whatever one may think of the rest of the provisions, pro or con, I have to tell you that is an outstanding provision in terms of a Pell Grant increase.

Now, some of my Republican colleagues may say that we're investing several billion dollars in Pell Grants and is that a wise use of money. I can tell you that these Pell Grant increases pay for themselves. The nonpartisan Advisory Committee on Student Financial Assistance said that by investing $13 billion in Pell Grants, it helps yield up to $85 billion in additional tax revenue. The reason is the average college graduate makes 75 percent more than the average high school graduate. So it's good for the treasury. It's good for our young people, and it's good for employment rates in this country.

I want to congratulate and thank Congressman MILLER, Congressman HINOJOSA and Congressman MCKEON for all their work in substantially increasing Pell Grants. Those provisions make it much easier for young people to be able to go to college.

Mr. MCKEON. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman has 5 minutes remaining. Mr. MILLER has 23¾ minutes remaining.

Mr. MCKEON. Is there any way we could prevail upon the chairman to give us 1 or 2 of his 23½ minutes?

Mr. GEORGE MILLER of California. I'm under very strict guidelines here from the leadership.

Mr. MCKEON. Just 2 minutes? Could we ask unanimous consent that we each get 2 extra minutes? I would love to hear you for 25.

Mr. GEORGE MILLER of California. I'm not going to use my time, but I'm under very strict confines here with my leadership. I've asked members of my committee not to speak, so I can't be yielding time when I didn't give it to the members of my committee. I'm sorry. I don't want to be put in that position.

Mr. MCKEON. Madam Speaker, I'm happy now to yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Madam Speaker, this bill does absolutely nothing to improve access to a college education. It's a sham. It's another move toward socialism and taking away personal responsibility in our country.

I probably have the most experience in this area of anybody in Congress. I worked my way through college, through an undergraduate and doctoral programs without any loans whatsoever. It can be done. It is not necessary for people to borrow $19,000 a year to go to college or come out with that kind of a debt.

I've served in the field of education. I've been a school board member, higher education administration. I've directed Upward Bound special services programs, and I know what it's like to have, to be operating these programs. We have absolutely no accountability in the programs that we are passing here, and we need to be doing that.

The American people want significant and strong education, but they do not want to see us wasting money like we're wasting here. This is called the College Cost Reduction Act. It does absolutely nothing to reduce the cost of going to college. But it starts out a long list of complex new entitlement programs, and my colleagues have spoken very, very eloquently about that.

We still are going to have college students stuck with college costs that are going up every week because the Federal Government is involved. We're doing nothing to help the Federal Work-Study Program, which has been one of the most successful programs that the Federal Government has ever gotten into.

I can't support a bill that raises the cost of going to college instead of lowering the cost of going to college. This is going to make it even more complicated to do financial aid regulations, even though we're reducing the size of the form. What we need is a workable Federal financial aid system that helps students get a high quality education. But this bill falls far short of that standard by shifting Federal money to the institutions and to loan relief for college grads.

Mr. MCKEON. Madam Speaker, I'm happy to yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, Mr. RYAN from Wisconsin said all the relevant fiscal things that I wanted to say, so I want to say this. This is more smoke and mirrors. This has been a smoke-and-mirrors Congress, and this is more smoke and mirrors because it is an illusion that we're trying to sell to the American people. But they've done a good job because evidently they have sold this to the administration.

And I want to say, Madam Speaker, I am totally disappointed in the administration that they have bought this bill of goods. This is nothing but a sham.

I'm from the State of Georgia where we instituted the HOPE Scholarship Program, which worked out great for students. But what ended up happening is the colleges continued to go up on their tuition, costing the taxpayers more and more money because it was not a competitive market anymore. That's what we're fixing to get into colleges and universities all across this country. And taking the private industry out of this, making them responsible for the loans is going to put the taxpayers on the hook. It's going to be a great disaster. And again, I want the administration to know, Madam Speaker, how disappointed I am.

Mr. MCKEON. Madam Speaker, we've, I think, heard some very good things about this bill. I've been on this committee now for 15 years since I

came to Congress. I've had great concerns about people that are not able to go to college. We've seen statistics that show that 48 percent of young people from lower-income families are not able to attend college because of the cost of college. I have introduced legislation. I've done what I could to try to reduce the cost of college.

This bill is called the Cost Reduction Act. It does nothing to reduce the cost of college. It gives money to schools, which we haven't done in the past. We've given the money to individual students and let them pick the school that they've gone to. It does increase the money to Pell Grants, and I appreciate that.

During the time that I was Chair of the Higher Education Subcommittee and the time that we've been in the majority, we've doubled the money going into Pell Grants, and we have a million and a half students, now, more that are receiving Pell Grants than before. And that's good.

But the thing about this bill that really bothers me, I guess, is the promise it holds out to students that they're never going to receive. It reminds me of a TV contest, game contest that I've seen in the past that showed three curtains or three doors, and you tried to pick the door that had the great prize. And my concern is that these students are going to start school with the idea that their interest is going to be cheaper 4 years, 5 years from now when they graduate, and they're going to find that it's not. There's a promise there that when they open that door they're going to find a huge tax burden. They're going to find huge loan burdens.

And what we should be working on in a cost reduction bill is something that actually addresses what we can do to lower the cost of a college education, not the loan interest. What we should really be trying to do is address the core problem, the cost. College cost has been going up four times faster than people's ability to pay for the last 20 years. We should be addressing that problem. We should oppose this bill.

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

Mr. GEORGE MILLER of California. Madam Speaker, I would like to thank the chairman of our subcommittee, RUBÉN HINOJOSA, and all of the members of the conference committee for their valuable contributions to this legislation.

I would also like to thank Chairman SPRATT, who spoke earlier, for providing the reconciliation process, and all of the work that their staff did to make sure that we complied with the reconciliation process and we complied with the PAYGO rules so that there would be no new costs to this legislation to provide these benefits to students and to their families. And I want to thank his staff, Tom Kahn and Sarah Abernathy and Lisa Venus.

I would also like to thank Senator KENNEDY and Senator ENZI for their help and their staffs' work with us to have a successful conference and a conference report on this act.

And I'd like to thank the Education and Labor Committee staff, Mark Zuckerman, Alex Nock, Stephanie Moore, Denise Forte, Gaby Gomez, Julie Radocchia, Jeff Appel, Rachel Racusen, Lisette Partelow, Lamont Ivey, Sarah Dyson, Ricardo Martinez and Moira Lenehan of Representative HINOJOSA's staff.

This work could not have happened without the long hours put in by a very diligent, committed legislative counsel, and I want to thank Steve Cope and Molly Lothamer.

Given that we must balance our numbers, we appreciate the significance of work provided by the staff at the Congressional Budget Office, including Paul Cullinan, Debb Kalcevic and Justin Humphrey.

The Congressional Research Service has been particularly supportive of our efforts, in particular, Adam Stoll, Charmaine Mercer, David Smole, Becky Skinner and Jeff Kuenzi.

I want to thank all of these individuals, and certainly I want to thank the students who, for so many years have tried to get the Congress to respond to their needs and to the needs of their families if they have to borrow money to go to school, to go to school and to achieve a higher education, to achieve the education that that provides.

I certainly want to thank USPIRG and the United States Student Association and many others who worked so hard over these past years.

We remember just a year ago, just a year ago we were here in the reconciliation process when $11.9 billion was taken out of this very same account, but rather than to use it for the benefit of the students, that $11.9 billion went to pay for the tax cuts to the wealthiest people in this country.

We took $11.39 billion out of this same account and we gave that to the Pell Grant students, to the most needy students in this country who need it the most. That's the difference that an election makes. That's the difference that a year makes. That's the difference that a lot of hard work by the students across this country and their families have made as they've asked Members of Congress to address this issue.

This legislation, just earlier today, passed in the Senate by an overwhelming bipartisan vote of 79–12.

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It has now been stated that the President of the United States supports this legislation and will sign this legislation.

I would hope that all of my colleagues on both sides of the aisle would understand the importance of this legislation, the value of this legislation to our students and to their families as we know so many of them struggle to put together the means by which they can pay for the college education of the students. One of the very great moments in a parent's life is when a student gets accepted into college, the students announce they want to go to college, and then you immediately start to think about how we are going to pay for this.

This legislation will make it a lot easier for a lot of parents and a lot of students who desperately need this help.

I ask all of my colleagues to support the conference report and let's join this bipartisan coalition and help America's families and students. I thank everybody for their cooperation.

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise in support of H.R. 2669. Since my arrival in Congress, I have worked to support initiatives that would expand access to higher education for all students, regardless of disability, background or economic circumstances. Need-based federal student aid programs have leveled the playing field for so many students, yet in recent years the purchasing power offered by a Pell grant has dwindled. Meanwhile, college education costs have soared, and more and more students struggling to keep up with loan repayments have found themselves locked into high interest rates and unable to consolidate their debt. Others have seen their dreams of higher education go unrealized, due to concerns about how they could possibly pay for it.

Today, Congress takes a meaningful step to address these issues. The College Cost Reduction Act, the single largest investment in education since the GI bill, will cut interest rates in half on subsidized student loans over the next four years, make student debt more manageable for those facing economic hardship and increase the purchasing power of the Pell grant. Additionally, this bill will encourage and reward public service by offering loan forgiveness and repayment of our most dedicated military service members, nurses, early childhood educators and others who take on some of the most needed and challenging—but not the most lucrative—professions. In the battle to improve access to affordable education, the passage of the College Cost Reduction Act is a tremendous victory.

I strongly believe that the passage of this bill into law will make America stronger. While our Nation certainly faces challenging times of war and economic hardships, we should take tremendous hope and pride in the investments that Congress is making in the future by expanding access to higher education. I am proud to support this legislation and urge my colleagues to vote in favor of H.R. 2669.

Mr. HARE. Mr. Speaker, as a Member of the Education and Labor Committee, I rise today in strong support of the College Cost Reduction and Access Act—the single largest investment in college financial aid since the 1944 GI bill.

Working families in Illinois and around the Nation continue to struggle with the rising costs of college. This historic investment in higher education will begin to put a college degree back in reach for millions of average Americans, and do so at no new cost to U.S. taxpayers.

The College Cost Reduction and Access Act would make need-based student loans more easily accessible and provide for additional mandatory funding for the Pell grant scholarship by at least $1,090 over the next 5 years,

benefiting nearly 230,000 students in Illinois, including over 22,000 newly eligible beneficiaries. Illinois students and their families will receive more than $1.2 billion over 5 years in the form of student loans and Pell grants as a result of this legislation.

Mr. Speaker, this bill includes a provision to cut the interest rate on subsidized student loans in half over the next 5 years—from 6.8 percent to 3.4 percent, benefiting 128,765 student borrowers in Illinois. Once fully phased in, it would save the average 4-year college student, who begins school in 2011, $4,510 over the life of his or her loan.

The College Cost Reduction and Access Act pays for itself by reducing excessive Federal subsidies paid to lenders in the college loan industry by $20 billion. In the current budget-tight environment, the Federal Government should not be over-funding lenders while families struggle to send their kids to college.

Making college more affordable and accessible for working families is good for our economy, national security, and competitiveness in the world. I was proud to play a role in crafting this landmark legislation from the very beginning and I am honored to vote for its passage today. I urge my colleagues to join me in making college more affordable for our students and urge the President to sign this bill into law.

Mr. LOEBSACK. Mr. Speaker, I strongly support the College Cost Reduction and Access Act of 2007. This important legislation will provide thousands of Iowa's students and families with the financial support they need to attend college by increasing the purchasing power of the Pell grant. Next year the scholarship will increase by $490 and by 2012 the grant will reach $5,400.

The bill also provides upfront tuition assistance and makes it easier for students who pursue careers as public school teachers. In Iowa, 36 percent of students who attend pubic 4-year schools graduate with unmanageable debt levels if they choose to take a teaching job in the State.

As a college teacher in Iowa I regularly encountered students struggling to afford their education, and I'm certain that this bill makes the right investments at a critical time for our students. I urge my colleagues to support this bill and strongly support its passage.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 2669. As the father of three college graduates and a college sophomore, I am all too familiar with the financial burden higher education poses on families and students.

As lawmakers, our number one higher education priority should be to ensure that college is affordable for any student. Instead of helping students, the conference agreement would require student borrowers to pay thousands more for a college education.

The conference agreement does not contain any language to address the issue of rising college costs. Instead of holding colleges and universities accountable for how they spend taxpayer dollars, the agreement does the exact opposite and throws additional Federal funds at institutions while denying new information to consumers.

The most appalling aspect of this agreement is that it achieves minimal deficit reduction. The conference agreement only produces $750 million for deficit reduction, even though the bill cuts $22.3 billion from the student loan program. Last year, President Bush signed into law a Republican reconciliation measure that achieved a full $12 billion in deficit reduction while increasing benefits for students.

I urge my colleagues to vote against this agreement and encourage President Bush to veto this legislation if it comes to his desk.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 2669 the College Cost Reduction Act. I would like to thank Chairman MILLER and his staff for this bill that will provide New Jersey residents an additional $262 Million in loan and Pell grant aid.

Once signed into law, this legislation will ensure that more Federal student aid money gets to the students who need it, and in New Jersey, the need is great. Over 61,000 students in New Jersey take out need-based loans for 4-year schools each year and incur an average of over $14,000 in debt. Under the legislation, the maximum value of the Pell grant scholarship would increase by $1,090 over the next 5 years, reaching $5,400 by 2012. This increase would fully restore the purchasing power of the scholarship, which in recent years had been frozen at $4,050 until Congress boosted its value to $4,310 earlier this year.

I am pleased that the committee included several initiatives that I have been working on, including provisions from my bill H.R. 2017, the Part-time Student Assistance Act. We have raised the income protection allowance in the College Cost Reduction Act so that working students can work more without having that count against their student aid. Further, we were able to eliminate the earned income tax credit from calculations so that working families do not have to bear this burden.

The bill also provides upfront grant aid for those who are becoming math, science, and foreign language teachers. The bill would create grants providing upfront pre-paid tuition assistance of $4,000 per year with a maximum of $16,000 for elementary or secondary school math and science teachers and critical foreign language teachers. Our classrooms have an increasing shortage of teachers for these vital subjects. This problem is most severe in school districts were students come from disadvantaged backgrounds. Without qualified teachers in these areas, we are endangering the competitiveness of our children in the global economy.

Students who take out loans or receive Pell grants will now find it easier to finance their education. By investing in foreign language and math and science education, we'll enhance both our economic and national security. Part-time students will have an easier time balancing the need to care for their families and improve their education. This is public policy at its best—it lifts up Americans from all walks of life.

Mr. Speaker, this bill is an investment in our future. Without providing access to a college education we will not be able to compete with nations that have already made the investments in providing a quality education for their own children. The United States is a dominant world economy because of our educated workforce. With this bill we will take a larger step toward maintaining this edge and I ask my colleagues to support it.

Mrs. BIGGERT. Mr. Speaker, there are a few provisions in H.R. 2669 that I believe are very important to students and parents across the country.

I support the increases in Pell Grants and cuts to interest rates on federally subsidized student loans provided in H.R. 2669. These provisions are the most effective way we can help low and middle income students achieve the dream of a college education, and I am pleased this bill will provide relief for those students.

I am also pleased that the final bill includes a small but very important provision that is similar to legislation I have introduced, the FAFSA Fix for Homeless Kids Act.

The current Free Application for Federal Student Aid, or FAFSA, creates insurmountable barriers for unaccompanied homeless youth—youth that are homeless and alone. These children do not receive financial support from their parents, and many do not have access to parental financial information or a parental signature required by the FAFSA. As a result, unaccompanied homeless youth are prevented from accessing the financial aid they need because they cannot supply the information required by the FAFSA.

The FAFSA Fix for Homeless Kids Act addresses these barriers by allowing unaccompanied homeless youth to apply for federal financial aid without providing parental income information or a parent signature. This will open the doors of higher education to some of our nation's most vulnerable youth, and I am pleased that H.R. 2669 includes the FAFSA Fix for Homeless Kids Act.

While I am encouraged that H.R. 2669 includes these provisions, I still have serious concerns about a number of other provisions in the bill. Specifically, I oppose the mandatory spending in the bill that is directed at institutions and philanthropic organizations. It is unprecedented to provide mandatory spending to these organizations. Instead of creating new and complicated programs, we should have provided additional funding to Pell Grants.

I also have concerns about the viability of the Federal Family Education Loan Program. During the last Congress, the Education and the Workforce Committee made $20 billion in changes to the Federal Family Education Loan Program by eliminating and reducing federal subsidies to lenders. Just two years later—certainly not long enough to evaluate the impact of those changes—we are back again squeezing student loan lenders. Does the Democratic leadership expect lenders to continue offering student loans out of the goodness of their hearts? This program is essential to the students and families in my district, and I hope that this legislation is not a back-door attempt to kill the Federal Family Education Loan Program.

I support H.R. 2669 because of the additional funding provided for Pell Grants, the decrease in student loan interest rates, and the hope it will give to unaccompanied homeless youth. However, I have serious concerns about the mandatory spending created in H.R. 2669 and the viability of the Federal Family Education Loan Program. I hope that in the future that we can work in a more inclusive manner to address the skyrocketing costs of college without adding to the deficit that students we are trying to help will eventually have to repay.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this important legislation to reduce the costs of college for low-income and middle class families. I urge my colleagues to join me in voting to pass it.

As the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American Dream for working families. My life's work has been to improve educational opportunities for all because education is the key to the future. Education levels the playing field and empowers every individual willing to work hard the ability to make the most of his or her God-given talents. This legislation will make a real difference to make college more affordable without raising taxes while maintaining budget discipline.

Specifically, this bill will cut in half the interest rate on federally subsidized Stafford Loans over the next five years, from 6.8 percent to 3.4 percent. Under this conference report, the average North Carolina student starting school in 2007 will save $2,200 throughout the life of the loan, and the average N.C. student starting school in 2001 will save $4,270. This legislation also will raise the maximum value of the Pell Grant scholarship by $1,090 by 2012.

The bill will help ensure a highly qualified teacher in every classroom by providing upfront tuition assistance to qualified undergraduate students who commit to teaching in public schools in high-poverty communities or high-need subject areas. It will encourage public service by providing public servants loan forgiveness after ten years of public service for military servicemembers, first responders, nurses, educators, and others. Finally, this legislation will make historic new investments in minority-serving institutions and encourage state and philanthropic participation in college retention and financing to increase the number of first generation and low-income college students.

I want to congratulate Chairman MILLER for this accomplishment and thank him and his great staff, including Gabriella Gomez, Denise Forte and Mark Zuckerman, for working with me to ensure that the bill does not unintentionally harm North Carolina's nonprofit lending agency. I am pleased the President has committed to signing this bill into law, and I encourage all my colleagues to vote for it.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to urge my colleagues to vote against H.R. 2669, a bill which does not reduce the cost of a college education, but creates five new entitlement programs and expands the reach of government programs over non-profit and commercial lenders.

The measure contains $21.5 billion in new spending over five years while saving only $752 million for deficit reduction. The bill cuts $22.3 billion from the Federal Family Education Loan (FFEL) program, to force a shift to the government's direct lending program, increasing the government's role.

H.R. 2669 spends $7.1 billion on college graduates by gradually phasing down interest rates from 6.8 percent to 3.4 percent over four years, before allowing rates to return to the original rate in July 2012 to recover the costs of the new spending.

What we are voting on today does nothing address the problem facing college bound students—rising college costs. Instead of holding colleges and universities accountable for how they spend taxpayer dollars, we are doing the exact opposite. We are helping graduates, not students, and expanding the Federal government.

Budget gimmicks won't teach our children, and won't make college more affordable for low- to middle-income families. Until we take a real, thoughtful look at the reasons behind the skyrocketing cost of a higher education, we are simply going to continue to pass legislation that sounds good, but does little.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Conference Report for H.R. 2669, the Education and Labor College Cost Reduction Act of 2007, the single largest investment in higher education since the GI Bill. This important legislation does far more than ease the burden of student loans for college graduates—it will make the American dream possible for low- and middle-income students, helping families pay for college. I would like to thank Chairman MILLER for introducing the legislation, as well as his steadfast commitment to this important issue. May I also thank Speaker PELOSI for her visionary leadership in leading America in a new direction. I am proud to be part of a Democratic majority that delivers on its promises to the American people.

Mr. Speaker, in 21st century America, a college education is a critical investment toward individual success, as well as toward the strength of our nation. Higher education is associated with better health, greater wealth, and more vibrant civic participation, as well as national economic competitiveness in today's global environment. As the need for a college degree has grown, however, so has the cost of obtaining that education. The result is rising student debt. Students graduating often leave school with far more than knowledge and a degree; many face years of having their financial lives dictated by the burden of debt. Their choices of careers and jobs may be severely constrained by the necessity of repaying these loans.

This bill strengthens the middle class by making college more affordable: 6.8 million students who take out need-based federal student loans each year will see the interest rates on their loans halved over the next four years, saving the typical borrower (with $13,800 in need-based loan debt) $4,400 over the life of the loan, once fully implemented. With the recent sub-prime lending crisis and subsequent economic turmoil, the United States economy lost over 4,000 non-farm jobs in the month of August. More and more middle class students will be in need of assistance to turn their college dreams into a reality. This legislation makes student loan payments more manageable for borrowers by guaranteeing that borrowers will not have to pay more than 15 percent of their discretionary income in loan repayments. It also allows borrowers in economic hardship to have their loans forgiven after 25 years.

This Conference Report contains many important provisions that make significant strides toward making the dream of higher education a reality for more Americans than ever. It provides an increase in college aid by roughly $20 billion over the next five years, with no additional burden on American taxpayers. By cutting excessive federal subsidies to lenders, this legislation pays for itself.

This Conference Report contains a specific commitment to minority-serving institutions. It authorizes $510 million for Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges, Alaska Native and Native Hawaiian institutions, and the newly designated Predominantly Black Institutions. These funds will work to ensure that students will not only enter college, but remain and graduate. About 2.3 million students attend minority-serving institutions, including ⅓ of all minority students who attend college.

This new investment is particularly critical for African-American students and their families. African-American students currently comprise about 12 percent of all undergraduate students. Many institutions have helped black students bridge ethnic-related economic barriers, making college education possible for underprivileged minorities. Among Historically Black Colleges and Universities (HBCUs), which give African American students an opportunity to have an educational experience in a community in which they are a part of the majority, costs are also rising. This resolution would support many of these honorable institutions in their righteous deeds in educatIng our underprivileged students of color.

In addition, this bill encourages and rewards public service. Students who pursue careers as public school teachers will receive upfront tuition assistance of $4,000 per year, to a maximum of $16,000, providing aid to at least 21,500 undergraduate and graduate students. This is particularly important, given that 23 percent of public college and 38 percent of private college graduates have student loan debt that is unmanageable on the starting salary of a teacher. By providing the guarantee of assistance, this bill is an important step toward ensuring that there is a highly qualified teacher in each of America's classrooms.

Similarly, public servants will receive complete loan forgiveness after ten years of service. This will assist our driven young people who want to serve their country in the military, law enforcement, or as first responders, firefighters, nurses, public defenders, prosecutors, and early childhood educators. It ensures that dedicated Americans will not be precluded from serving their country because of a preponderance of debt.

Mr. Speaker, I also support the Conference Report for H.R. 2669 because it will increase the maximum Pell Grant award by $1090 over the next five years to $5,400. It will also increase eligibility by raising the income threshold, allowing more students from more families to automatically qualify for grants. The Federal Pell Grant Program prides itself on providing need-based grants to low-income undergraduate and certain postbaccalaureate students to promote access to postsecondary education. These grants are particularly important for students of color, with 45 percent of African American and Hispanic students at four-year colleges depending on Pell grants, compared to 23 percent of all students. Approximately 4.5 million students currently depend on Pell Grants and "over 70 percent of Pell Grant funds go to students from families with incomes of $20,000 a year or less." Increasing the maximum Pell Grant Award will expand racial and ethnic diversity in higher education institutions, benefiting not only the institutions, cultural background but it will also be a great learning experience for students to learn diverse cultural backgrounds different from their own.

In addition, the Conferene Report for H.R. 2669 cuts the interest rates on subsidized student loans in half from 6.8 percent to 3.4 percent over five years. Once fully implemented, this cut would save the typical borrower—with about $13,800 in need-based loan debt—$4,400 over the life of the loan. By cutting interest rates on federal loans, Congress can

save college graduates thousands of dollars over the life of their loans. Mr. Speaker, recent graduates, especially those of minority status with low to moderate incomes, must spend the vast majority of their salaries on necessities such as rent, health care, and food. For borrowers struggling to cover basic costs, student loan repayment can create a significant and measurable impact on their lives.

Crushing student debt also has societal consequences, according to a report by two highly respected economists, Drs. Saul Schwarz and Sandy Baum. The prospect of burdensome debt likely deters skilled and dedicated college graduates from entering and staying in important careers such as educating our nation's children and helping the country's most vulnerable populations.

To solve this problem and ensure that higher education remains within reach for all Americans, we need to increase need-based grant aid; make loan repayment fair and affordable; protect borrowers from usurious lending practices; and provide incentives for state governments and colleges to control tuition costs. H.R. 2669 is an important step in a new and right direction for America.

Last November, House Democrats promised a New Direction for America. This bill, the single largest investment to higher education, comes at no additional cost to American taxpayers, but brings extraordinary benefits for our nation. I am proud to be part of a Democratic majority that delivers on its promises to the American people.

I urge my colleagues to vote in favor of adoption of the Conference Report for H.R. 2669, the Education and Labor College Cost Reduction Act of 2007.

Mr. COURTNEY. Mr. Speaker, I rise today in strong support of the Conference Report to accompany H.R. 2669, the College Cost Reduction and Access Act. I thank Chairman MILLER for shepherding this bill through the House so that it can be signed into law by the Prdent.

This legislation marks the single largest investment in higher education since the 1944 GI bill and at no new cost to taxpayers. The investnent is available because this new Congress cut excess subsidies that the federal government pays to the student loan industry.

As I travel around eastern Connecticut, I hear from so many students and families about their concerns with the cost of higher education and the amount of debt they are taking on to finance that education. Unfortunately, students across the country are graduating with about $18,000 of debt upon graduation. This debt can have a crippling effect on young adults as they embark on their career path after graduation.

I often refer to the Connecticut district I represent as the higher education district. For this reason, I am pleased to be a member of the Education and Labor Committee and the Higher Education, Lifelong Learning and Competitiveness subcommittee. My district is home to the University of Connecticut, Eastern Connecticut State University, Mitchell College, Connecticut College and Lyme Academy. In addition, Asnuntuck Community College, Three Rivers Community College and Quinebaug Valley Community College are located in eastern Connecticut.

Students have access to a myriad of educational opportunities in eastern Connecticut and this legislation before us today will expand the Pell Grant program that so many students rely on—the maximum value of the grant will grow by $1,000 to a maximum value of $5,400 in five years. The Pell Grant Program is so important that during committee consideration of H.R. 2669, I offered an amendment to boost funding by $900 million. I am pleased that the Conference agreement invests in the Pell Grant program even more. Further, and of paramount importance to so many families, the interest rate on loans will be cut in half from 6.8 percent to 3.4 percent after four years.

The College Cost Reduction and Access Act also provides loan forgiveness for people after 10 years of public service in areas such as law enforcement, first responders, fire fighters, nursing and early childhood education.

This new Congress continues to keep faith with a promise to chart a new direction for this country. This Congress is showing its mettle by breaking down barriers to affordable education and boosting middle-class families.

If we are to maintain our competitive advantage in the world and ensure that more Americans achieve economic prosperity, we must make higher education attainable and affordable. I urge my colleagues to support the College Cost Reduction and Access Act.

Mr. TERRY. Mr. Speaker, I reluctantly rise in opposition to this conference report. I do so in spite of my past support for increases in Federal student loan programs and expanded access to college for all young people regardless of their economic status.

As a young student at the University of Nebraska and Creighton Law School, I had to rely on student loans and part-time jobs to cover my tuition, books, and living expenses. And I know that for many families that is also the only way their children can afford to meet the rising costs of a college education. That is what I have consistently voted for, increases in Pell grants and the reduction of interest rates from 6.8 percent to 3.4 percent. I am also a cosponsor of H.R. 722, a bill to increase the maximum Pell grant award to $4,810 for academic years 2008–2014.

There are three reasons why I have decided to vote against this bill. First, this Conference Report provides $22.3 billion in cuts to federal spending, over five years, but then at the same time spends roughly $21.57 billion in that same period time period which amounts to $752 million in deficit reduction. When H.R. 2669 passed in the House, it was estimated to cut spending by $20.38 billion, and spend $17.58 billion, leaving a remainder of $2.79 billion in deficit reduction. Unfortunately, much of the spending in the Conference Report goes towards five new entitlement programs and graduates of college rather than current students.

The second reason that I cannot support this legislation is that many of its provisions will drive private sector lending companies out of the market place, reducing the choices for student borrowers and eventually making the U.S. Department of Education the lending option of last resort. That is probably the intended purpose. A government agency replacing the free market.

In addition to reducing loan rates, it reduces the level of insurance that private lenders can use to off-set student loan defaults, and makes other cuts that will reduce incentives to remain in the student loan business.

It also eliminates the exceptional performer incentive program for good lenders who help students restructure their loan agreements if they are having trouble meeting their loan payments. Also, loan origination fees for lenders would be increased. All of these punitive provisions will reduce the number of private sector student loan firms thus reducing student loan choices for students. I also believe private capital working with the secondary markets creates more dollars to offer students than does the U.S. Department of Education.

Finally, Mr. Speaker, even though the conference report contains savings that pay for the many new entitlement programs created by the legislation, at the end of 5 years, the American taxpayers will be asked to pay the entire cost of these new programs. History tells us that once a Federal entitlement program is created, it will not die. We cannot afford to create another unchecked Federal entitlement spending program that will only contribute to the future inflation of college costs.

Mr. Speaker, I urge a "no" vote on this conference report.

Mr. VAN HOLLEN. Mr. Speaker, I am proud to stand today to support the College Cost Reduction and Access Act. I thank Chairman MILLER and the Conferees for their quick work on this Conference Report, and all the work they have done on this important legislation.

Mr. Speaker, for years, American students and families have demanded relief from rising tuition and ballooning debt. The average student exits college with almost $20,000 in student loan debt, which, because of accumulating interest, can take years to pay. This debt is burdening our communities. When a student has tens or even hundreds of thousands of dollars of debt, it limits choices. Those students might not be able to take lower salary jobs in the fields where we desperately need them—as teachers or first responders. When two-thirds of our college graduates are in debt, it limits our economy. Those graduates have less money for a down payment on a house, less money to invest, and less disposable income.

Even worse, some students are deterred from going to college altogether when costs are too high. We lose some of the best and the brightest—those who are qualified to learn, who want to learn, who have worked hard and gotten the grades, but who run into financial barriers when it comes time to head off to college.

Today, we are bringing some relief. We are going to open the doors to college and help our young people reach their full potential. We're going to increase Pell grants to make college more affordable. We're going to cut the interest rates on loans in half so they're easier to pay off. We're going to institute income-based loan repayment, so graduates don't have to choose between paying their rent and paying off their loans. And we're going to expand loan forgiveness for those who enter public service, so we have more teachers, first responders and nurses.

We made a promise to the American people before the last election. We've been working to fulfill that promise from the first 100 hours of the new Congress. And today, as our young people head back to school, the House and Senate are going to see that promise through with largest increase in student loans since the G.I. bill.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the Conference report to H.R. 2669 the College Cost Reduction and Access

Act. I would like to thank my colleagues who worked diligently to bring this legislation before the full Congress, including Chairman MILLER, Chairman KENNEDY, and Subcommittee Chairman HINOJOSA.

The College Cost Reduction and Access Act takes savings generated as a result of the reconciliation process and makes four major investments in America's students, especially students in African American communities.

First, the bill will increase the maximum Pell grant scholarship—the Federal scholarship for low- and moderate-income students—over the next 5 years to $5,400. This increase in the Pell program is critical. Since the 2001–2002 school year, tuition at public four-year colleges has risen 55 percent. Unfortunately, during that same time period, the maximum Pell grant award increased by less than 8 percent and did not increase at all over the past 4 years.

Second, H.R. 2669 will cut the interest rate on student loans in half over the next 4 years. This interest rate reduction will provide enormous relief to the many students who take out subsidized Federal loans.

Third, this legislation will make a strong and historic investment in Historically Black Colleges and Universities and minority serving institutions. HBCUs represent an important piece of our history and investments in HBCUs are imperative for both student services and programs as well as institutional needs and infrastructure improvements. The College Cost Reduction and Access Act shows this commitment by improving and increasing funding for much needed student programming and opportunities. The funding for these colleges and institutions can be used for a variety of important programs and needs, including science and lab equipment, library books, and enhancement of certain disciplines of instruction such as math, computer science, engineering and health care.

This funding will go a long way toward closing the achievement gap that exists across our nation and helping those who wish to better themselves through education achieve their goals. The bill also provides, for the first time ever, funding for Predominantly Black Institutions and Asian and Pacific Islander-serving institutions, thereby recognizing the importance of institutions of higher learning that serve these communities. In addition, it also provides additional funding to Hispanic-serving institutions, Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions. While this funding will cover only a portion of the unique needs of these historical places of learning, I appreciate the commitment that members of the House Education and Labor Committee have expressed to continue to find ways to support these important institutions.

Finally, the College Cost Reduction and Access Act includes a provision to aid the Upward Bound program, which is the last hope and ticket to the future for many low income and first generation college students. The bill includes an additional $228 million to fund both new and prior funded Upward Bound programs across the Nation. This funding will reach several Upward Bound programs at HBCUs. In this grant cycle, 30 percent of Upward Bound programs at HBCUs would have been eliminated despite an increase in the total number of Upward Bound programs receiving grants. This provision would also provide funding to other deserving Upward Bound programs including programs serving Hispanic students.

I believe the College Cost Reduction and Access Act contains critical support for our nation's higher education system and I urge my colleagues to support the conference report.

Mr. WELDON of Florida. Mr. Speaker, I join with my colleagues in support of efforts to make college education more affordable for more Americans. Indeed, earlier this year I voted in support of H.R. 5, the College Student Relief Act of 2007. I believed that bill took some positive steps.

Unfortunately, the bill that is being brought before the House today for consideration, H.R. 2669, is full of budget gimmicks, creates five new entitlement programs, spends tens of billions of dollars, and shifts from the private sector to the taxpayers the potential liability for billions of dollars should student loans borrowers default.

I am very disappointed that the bill before us, H.R. 2669, falls far short of its goal. While those who drafted the bill assert that it is a comprehensive solution to making college more affordable, H.R. 2669 fails to address the core problem of access to U.S. colleges and universities: sky-rocketing rates of tuition and room and board. In just the last 7 years, annual inflation has increased on average 2.7 percent. However, higher education costs for students have increased an average of 4.2 percent—a rate that is 55 percent higher than regular inflation. This bill takes a pass on addressing that fundamental issue, and simply makes it easier and more likely that students will borrow more money and accumulate a larger debt by the time they graduate from college. H.R. 2669 completely ignores the root problem. The end result of this bill will be that the average college student graduating from college 4 years from now will still face a higher college debt than those graduating this year—even with all of the billions of dollars included in this bill.

Under H.R. 2669, those attending college in the future will be able to borrow more money and perhaps pay a lower interest rate for a short period of time, but with college expenses growing at a rate that far exceeds the annual inflation rate, students will end college with a significantly larger debt.

This bill creates five new Federal entitlement programs, costing tens of billions of dollars. In an attempt to feign compliance with the pay-as-you-go rules adopted by the current Congress, the Democrats include a provision that sunsets these new entitlement program. This is a budget gimmick designed to fool the American people. Does anyone really think that when these programs expire and students are half way through their college education, they will simply be allowed to expire? Of course they won't, and taxpayers will be forced to hand over tens of billions of additional dollars to continue these programs. Incidentally, this will come at about the same time when the House-passed state children's health insurance program, SCHIP, funding dries up and Congress will be looking for tens of billions of dollars to extend that program. Creating five new entitlement programs and spending tens of billions of dollars puts this nation on a path to financial ruin.

The bottom line is that H.R. 2669 enables students to take on more debt which will further burden them for many years past graduation. In 2006, the Higher Education Price Index, HEPI, calculation showed that inflation for colleges and universities jumped to 5 percent. This is 30 percent higher than the consumer price index, CPI—the regular inflation rate. When colleges and universities know that students have access to more funds through financial aid, loans, and grants, they have simply seen this as an opportunity to raise costs for students. This was the case in the past when college loan limits were significantly expanded and it will be repeated after this bill is passed.

The bill takes a pass on encouraging colleges and universities to put a lid on uncontrolled tuition increases. But it's not surprising given that this is the same Democrat majority that created a massive $100 million lobbying loophole for public universities. If we truly want to help our students go into the world with a good education saddled with less debt, we should hold colleges and universities who take government aid more accountable and not allow them to continue their excessive increases in college costs. Colleges and universities have an obligation to exercise fiscal responsibility rather than simply seeing these new student loans and grants as an opportunity to shift more of their fiscally irresponsible costs onto the backs of students and taxpayers.

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

The SPEAKER pro tempore (Mr. KAGEN). Without objection, the previous question is ordered on the conference report.

There was no objection.

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.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PATENT REFORM ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 636 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1908.

□ 1223

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1908) to amend title 35, United States Code, to provide for patent reform, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Members of the House, I am proud and privileged to be the chairman of the Judiciary Committee for this historic consideration of the Patent Reform Act of 2007.

I can't help but begin by commending those members of Judiciary who were in this battle before I became chairman, namely, LAMAR SMITH of Texas; namely, HOWARD BERMAN of California; namely, Mr. COBLE of North Carolina, all who have worked in a remarkable way. Even when the leadership changed in the committees and SMITH became ranking and BERMAN became Chair, the cooperation and bipartisanship continued. I think it is important to lay that groundwork because of the intense cooperation in which we have sought to consult with every conceivable organization, individual, all stakeholders in this matter; and I think it has had a very telling effect on a bill that brings us all together here this afternoon.

After all, patent reform is enshrined in the Constitution, isn't it? Article I, section 8. After all, we have had a patent office pursuant to constitutional direction since 1790. So for a couple hundred years, this has been the driving force for American competition, creativity, inventiveness, and a prosperous economy. Thomas Jefferson was the first patent examiner in our American history. So I am humbly standing in the well to tell you that the continued robustness of the patent concept is very important. It has been estimated that the value of intellectual property in the United States amounts to $5 trillion, and much of that is in the value of the patents that come from the legislation produced by this bill.

Well, if it is so great, why are we here? Well, because certain things have happened over the course of years that need some re-examination. One of them is the trolling situation in which patents of less than high quality, they have created a whole legal industry, as some will continue to describe here today, in which, with very little pretext or excuse, patents are challenged and create a huge nuisance value. They flood the courts with unnecessary litigation. There are abusive practices that have grown up around the concept of patents, and there are certain inefficiencies where, for example, we use the first-to-invent system of granting patents, while most of the active and creative inventors in other countries use the first-inventor-to-file system, and we harmonize that in this legislation.

So there are problems, and they have been addressed with great care, because sometimes they go against the grain or to the detriment of the rest of the people, the stakeholders in this great legal activity of granting patents.

So I am here to tell you that we finally closed the circle, and I am proud of this, being from the highly organized State of Michigan, that with our friends in Labor we have been able to work out differences that they had originally had with this measure. All the consumer groups, there are several of them that have now joined with us. The United States Public Interest Research Group has come in. The pharmaceuticals have mostly come in. The Association of Small Inventors has come in.

We have done a great job, and we have created a manager's amendment to which we have allotted 20 minutes to discuss separately from the bill itself. I am proud, as you can tell, of the bipartisan nature of this work, because that is what it takes to make some 22 changes in the manager's amendment, more than two dozen changes in the underlying bill; and dealing with the question of damages and post grant opposition are stories that can only be told by the gentleman from California with his appropriate brevity. So it is in this spirit that we begin this final discussion of this measure.

I thank all the Members of the Congress not on the Judiciary Committee who have helped us in so many different ways.

Madam Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairman, I yield myself such time as I may consume.

I strongly endorse H.R. 1908, the Patent Reform Act of 2007, and I urge my colleagues to support American inventors, American businesses, and the American people by voting for this bill today.

Last year we laid a substantial foundation for patent reform. It was a good start, but we need to finish the job now. The Patent Reform Act is the most significant and comprehensive update to patent law since the 1952 act was enacted. The Judiciary Committee has undertaken such an initiative because changes to the patent system are necessary to bolster the U.S. economy and improve the quality of living for all Americans.

There are two major reasons the committee wrote the bill: first, too many patents of questionable integrity have been approved. Second, holders of these weak patents discovered a novel way to make money, not by commercializing the patents but by suing manufacturing companies whose operations might incorporate the patents. This combination of weak patents and ''seat-of-the-patents'' litigation has hurt the economy.

Most companies don't want to risk shutting down their operations in response to a questionable lawsuit. Nor do they have much faith in a legal system in which juries and even judges become confused by the complexities of patent law. The result: legalized extortion in which companies pay a lot of money to use suspect patents.

The bill will eliminate legal gamesmanship from the current system that rewards lawsuit abuses. It will enhance the quality of patents and increase public confidence in their legal integrity. This will help individuals and companies obtain money for research, commercialize their inventions, expand their businesses, create new jobs, and offer the American people a dazzling array of products and services that continue to make our country the envy of the world.

All businesses, small and large, will benefit. All industries directly or indirectly affected by patents, including finance, automotive, manufacturing, high tech, and pharmaceuticals, will profit.

Given the scope of H.R. 1908, it is impossible to satisfy completely every interested party. But the committee has made many concessions to accommodate many individuals and many businesses.

□ 1230

The bill has not been rushed through the process. Over the past 3 years, our committee has conducted 10 hearings with more than 40 witnesses representing a broad range of interests and views.

The Patent Reform Act was amended at different stages of the process to address criticisms of the bill. Still, not all interests have endorsed the bill. I think their response is mostly resistance to change, any change.

This bill is not intended to favor the interests of one group over another. It does correct glaring inequities that encourage individuals to be less inventive and more litigious.

Supporters of the bill run the educational, consumer and business spectrum. The Business Software Alliance, the Information Technology Industry Council, the American Association of Universities, the American Bankers Association, the Consumer Federation of America, the Computer and Communications Industry Association, and the Financial Services Roundtable, again, they all endorse this bill.

Article I, section 8, as the chairman mentioned a while ago, of the Constitution empowers Congress, ''to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.''

The foresight of the founders, in creating an intellectual property system, demonstrates their understanding of how patent rights ultimately benefit the American people. Nor was the value of patents lost when one of our greatest Presidents, Abraham Lincoln, himself a patent owner, Lincoln described the patent system as adding ''the fuel of interest to the fire of genius.''

Few issues are as important to the economic strength of the United States as our ability to create and protect intellectual property. American IP industries account for over half of all U.S. exports, represent 40 percent of the

country's economic growth, and employ 18 million Americans. A recent study valued U.S. intellectual property at $5 trillion, or about half of the U.S. gross domestic product.

The Patent Reform Act represents a major improvement to our patent system that will benefit Americans for years to come.

Madam Chairman, this bill has been a bipartisan effort. We would not be here now without the steady hand and gentle suggestions made by our chairman, Mr. CONYERS.

I also want to acknowledge the indispensable contributions of Congressman HOWARD BERMAN and Congressman HOWARD COBLE, among others. All three of us have been chairmen of the Intellectual Property Subcommittee over the past number of years, and we have worked together on developing this bill. But it is Mr. BERMAN's good fortune and a testament to his legislative ability that we are on the House floor today, and I congratulate him for that achievement.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, part of the Smith-Berman-Coble trio is the chairman now of the Courts, Intellectual Property and Internet Subcommittee. His indefatigable commitment to patent reform is now well known by all of the House, and I'm pleased to yield 2½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chairman, first I have to say that we wouldn't be here, not only for his substantive contributions to this legislation, but because of his suggestions about the approach we should take, whether it was in full committee or as we move towards the floor in terms of working out problems that existed, and that's Chairman CONYERS. He played a critical role in getting us to this point.

LAMAR SMITH, HOWARD COBLE, RICK BOUCHER, who I started this with, DARRELL ISSA, ZOE LOFGREN, ADAM SCHIFF, BOB GOODLATTE, a number of people played key roles in all this. I don't have too much time. The staff, on an issue like this, was indispensable; they made incredible contributions. This is really complicated stuff. Perry Apelbaum who demonstrated great leadership and guidance on many issues, George Elliott, a detailee from the Patent Office who is a great resource, Karl Manheim, who decided to spend his sabbatical helping on patent reform, Eric Gorduna who spent his summer working on the committee report, countless other staff, and of course my Chief Counsel Shanna Winters.

But the question is why, why are we doing this? And here are the things we are told by groups like the National Academy of Sciences and so many other organizations that are tremendously respected for their understanding of science and of our economy:

One, there are serious problems in the patent system;

Two, many poor-quality patents have been issued, which cheapen the value of patents generally;

Three, there have been a variety of abuses in patent litigation rules that have taken valuable resources away from research and innovation;

Four, U.S.-based businesses are disadvantaged because our patent laws aren't harmonized with the rest of the world.

Many organizations, many groups have argued for these reforms.

A quick statement about support. Every major consumer group in this country has endorsed this legislation. There is tremendous support in the financial services sector, in the high technology sector. The universities have now, University of California, which is one of the critical magnets of research and development, have supported passage of this legislation through the House. The American Association of Universities has supported moving the bill forward.

And one last comment. There is one very controversial issue, aside from the ones addressed by the amendments that we have seen that are not fully dealt with, and that particularly relates to the issue of damages and the apportionment of damages. It is our commitment, my commitment, the chairman's commitment, Mr. SMITH's commitment, Mr. COBLE's commitment, to work with people who are concerned about that language to reach an appropriate middle ground that reforms the way damages are calculated between now and the conference committee and when this comes back to deal with that controversy.

I urge strong support for this bill so we can make this historic effort, first in 60 years, move forward to ultimate enactment.

I include short list of the range of groups that support this bill.

The Business Software Association, The Financial Services Roundtable, Small Business & Entrepreneurship Council, TechNet, Consumer Federation of America, Consumer Union, Electronic Frontier Foundation, Knowledge Ecology International, Public Knowledge, United States Public Interest Research Group, American Corn Growers Association, American Agricultural Movement, Federation of Southern Cooperatives, National Family Farm Coalition, National Farmers Organization, Rural Coalition, Securities Industry and Financial Markets Association, Computer and Communications Industry Association, Computing Technology Industry Association, Illinois IT Association, Information Technology Association of America, Information Technology Industry Council, Software & Information Industry Association, St. Jude Medical, Massachusetts Technology Leadership Council, Inc., Hampton Roads Technology Council, Northern Virginia Technology Council.

Mr. SMITH of Texas. Madam Chairman, I yield 5 minutes to my friend from North Carolina (Mr. COBLE), the ranking member and former chairman of the Intellectual Property Subcommittee.

Mr. COBLE. I thank the gentleman from Texas for yielding.

Madam Chairman, I recall several years ago, when we were discussing proposed patent legislation before a crowded hearing room, and I remember one Member saying to the crowd, he said, I have friends for this bill, I have friends opposed to this bill, and I want to make it clear, he said to that group, I'm for my friends. Well, we don't do it quite that easily; easier said than done. But as has been mentioned before, the distinguished gentleman from California (Mr. BERMAN) and I, along with the gentleman from Texas and the gentleman from Michigan, we've plowed this field before. And I've heard many argue that H.R. 1908 undermines everything that we accomplished in 1999 when the American Inventors Protection Act was implemented.

Madam Chairman, this is simply inaccurate. Mr. BERMAN and I shepherded that legislation which, among other things, created patent reexamination, banned deceptive practices, clarified the term for patents, required that patents be published before they're granted, and made the Patent Office independent within the Department of Commerce, among other things.

As our domestic economy becomes increasingly dependent on the global economy, Madam Chairman, so, too, does our patent system.

Other challenges stem from the marketplace. As our domestic economy becomes increasingly dependent on the global economy, so does the patent system. In many international markets, patent protection is one certainty on which American manufacturers can rely when they are trying to compete internationally.

H.R. 1908 addresses these challenges in several respects. First, the bill implements a first-to-file patent system, which is in line with other countries and will streamline the patent review and issuance process.

Other provisions in the bill dealing with willful infringement, post-grant opposition, publication, inequitable conduct and best mode will also help improve patent issuance and patent quality.

By improving patent quality, patent disputes and litigation should be reduced, and patent examiners' ability to perform the daunting task of searching scores of records and files should improve greatly.

Unfortunately, H.R. 1908 has not enjoyed universal support. Several key stakeholders have voiced concerns and objections which cannot be overlooked. And I understand that many, if not all, of the changes in the manager's amendment will address many concerns, but I am still troubled that another key coalition may not endorse H.R. 1908 at the end of today's debate. Many of these companies in this coalition, unfortunately for me, are either located in or near my district, and I'm concerned that anything in H.R. 1908 would adversely affect them.

So while I urge my colleagues to support H.R. 1908, I do not mean to cast

any aspersions upon those who may very well have meritorious concern, particularly dealing with applicant responsibility and how any change to the rule for calculating infringement damages could impact the value of their patents.

That being said, Madam Chairman, I know that Chairman BERMAN, the distinguished gentleman from California, the distinguished gentleman from Texas, the Ranking Member SMITH, have accepted all criticisms in good faith and have worked diligently to forge some sort of compromise where it has been possible. I hope that after today we will continue to pursue compromise so that with some good fortune we may convince all stakeholders to support what I believe is needed patent reform.

And I say to the gentleman from Texas, I thank you for having yielded.

Mr. CONYERS. Madam Chairman, I am pleased to yield to the gentleman from Virginia (Mr. BOUCHER). He is the last Member on this side that's getting 3 minutes.

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

Mr. BOUCHER. I thank the gentleman from Michigan for yielding this time. I also want to commend the gentleman from Michigan for the very fine and persistent work that he has performed in bringing this measure to the House floor today.

Mr. BERMAN and I introduced an earlier version of this patent reform fully 5 years ago. And building on that early effort, Mr. BERMAN has worked tirelessly to build broad support for the patent reform, support externally and bipartisan support in this Chamber, to fine-tune the bill's provisions and to obtain Judiciary Committee approval of the measure earlier this year. That is truly an impressive accomplishment.

There is an urgent need to improve the patent system. Patent examiners are burdened with many applications and are encouraged to move quickly on each one of them. And as they do their work, they are isolated from an important source of highly relevant information. That information source is the knowledge that individuals may have that the work that is the subject of the patent application may, in fact, not be original, that someone else, in fact, may have invented that particular object, and that that object has been in use prior to the time that the application was filed. That information we call ''prior art.'' The existing patent process contains no avenue for third parties who may possess information about prior art to submit that to the patent examiner while the application is being examined. Our reform bill corrects that flaw, and in so doing, will broadly operate to improve patent quality.

Also in aid of patent quality is the provision which significantly strengthens the post-grant interparty's reexamination process through which the Patent Office can be required to take a more careful look at the patent and the application that accompanies it before that patent is issued in final form by the Patent Office.

Our goal with this provision is to ensure that before a patent is issued, parties who contest its validity will have a full and complete opportunity to do so within the confines of the Patent Office itself. That should prove to be a very effective and less costly alternative than litigating the validity of the patent in the court process.

Across its range of provisions, the reform measure before us makes long-needed changes that will improve the quality of patents, adjust aspects of the litigation process to the benefit of patent holders and those who license for use patented items.

The bill before us contains a provision which I offered as an amendment in committee in partnership with my Virginia colleague, Mr. GOODLATTE. Our provision prohibits prospectively the award of patents for tax planning methods.

Madam Chairman, I strongly encourage that the bill, with that amendment, be approved.

I thank the gentleman from Michigan for yielding this time to me, and I commend him on his effective work, which brings the patent reform measure to the House floor today.

Mr. BERMAN and I introduced an earlier version of this reform 5 years ago.

Building on that early effort Mr. BERMAN has worked tirelessly to build broad support for patent reform, to fine tune the bills provisions, and to obtain Judiciary Committee approval of this measure. It is a truly impressive achievement.

There is an urgent need to improve the patent system.

Patent examiners are burdened with many applications and are encouraged to conclude each one quickly.

And as they do that work they are isolated from an important source of highly relevant information.

That information source is the knowledge individuals may have, that the subject of the patent application is not original, that in fact, the object may have previously been invented by someone else. We call that prior art.

And the existing patent process contains no avenue for third parties to submit evidence of prior art to the patent examiner.

Our reform bill correct that flaw, and in so doing will help to improve overall patent quality.

Also in aid of patent quality is the provision which significantly threatens the past grant inter partes reexamination process through which the Patent Office can be required to take a more careful look at the proposed patent prior to its final issuance.

Our goal with this provision is to assure that before a patent is issued, parties who contest its validity will have a full and complete opportunity to make their case.

A meaningful Inter Pates proceeding can also be an expeditious, less costly alternative to litigating the validity of the patent in the courts.

Accross its range of provisions, the reform measure before us makes long-needed changes, which will improve the quality of patents and adjust aspects of the litigation process to the mutual benefit of patent holders and those who license for use patented items.

The bill before us contains a provision which I offered as an amendment in committee along with my Virginia colleague, Mr. GOODLATTE.

Our provisions prohibits prospectively the award of patent for tax planning methods.

Approximately 60 such patents have been issued and at least 85 more are pending at the Patent Office.

These patents limit the ability of taxpayers, and the tax professionals they employ, to read the tax laws and find the most efficient means of lessening or avoiding tax liability (contrary to said public policy).

If someone else has previously read the tax law, found the same means of reducing tax liability and received a patent for it, that person is entitled to a royalty if anyone else tries to reduce his taxes by the same means.

I frankly think that is outrageous. No one should have to pay a royalty to pay their taxes. No one should have sole ownership of how taxes are paid.

Such a barrier to the ability of every American to find creative lawful ways to lessen tax liability is contrary to said public policy.

Our amendment, now a part of the bill before us, will bar the future award of such patents, and I would encourage the Patent Office to reexamine those that have been issued to date.

I also want to thank the bipartisan leadership of the Ways and Means Committee for expressing support for our provision on tax planning strategies.

Mr. Chairman, I urge approval of the bill.

Mr. SMITH of Texas. Madam Chair, I yield a full 4 minutes to my friend from California (Mr. ROHRABACHER) on the condition, of course, that he is not too critical of this legislation and that he is dispassionate in his remarks.

Mr. ROHRABACHER. I thank my friend from Texas.

I rise in strong opposition to H.R. 1908.

The proponents suggest that it is the most fundamental and comprehensive change of American patent law in over a half century. Well, that's true, and that's why it should be defeated, because the changes are almost all aimed at undermining the technological creators and strengthening the hand of foreign and domestic thieves and scavengers who would exploit America's most creative minds and use our technology against us. It would be a disaster for individual inventors, with an impressive coalition strongly opposing this legislation: universities, labor unions, biotech industries, pharmaceuticals, nanotech, small business, traditional manufacturers, electronics and computer engineers, as well, of course, the patent examiners themselves who are telling us this will have a horrible impact on our patent system.

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They are all begging us to vote ''no.'' This so-called reform will make them vulnerable to theft by foreign and domestic technology thieves. Our most

cutting-edge technology will be available to our enemies and our competitors. That is why I call this the Steal American Technologies Act. The billionaires in the electronics industry and the financial industries who are supporting H.R. 1908, many of them already have built their factories in China, would do away with the patent system altogether if they could. They are so powerful and arrogant that they have set out to fundamentally alter our traditional technology protection laws, laws that have served America well for over 200 years.

Yes, this is an issue vital to the well-being of the American people, to our standard of living; yet we find ourselves with a severely limited debate. There is only 1 hour of debate. Those of us who are opposing this legislation haven't even been given the right, which is traditional in this body, to control our own time. Yes, the way we are handling this debate is a disgrace. There will be 12 minutes available for those of us who oppose a bill that they claim is so important for the future of our country.

What do we know about this bill? It is a horror story for American inventors and a windfall for foreign and domestic thieves. We don't even know what is in the bill. The manager's amendment has been changed even after the committee did its business. So it wasn't even fully debated in the committee and much less fully debated at the subcommittee level. No, what we are doing is a power play here. That is what we are witnessing. The opposition doesn't even get the chance to argue our case adequately before this body or before the American people. Our inventors and our innovators are begging us not to pass this legislation. Foreign and domestic technology thieves are licking their chops. Let's not let the big guys beat down and smash the little guys, which is what the purpose of this legislation is.

There are problems in the Patent Office, that is true, that can be fixed without having to fundamentally alter the principles that are the basis of our patent system, which is what this legislation does. This legislation, in the name of reform, is being used as a cover to basically destroy the patent system that has served us so well. In the long term, it will destroy American competitiveness and the standard of living of our working people. That is what is at stake here. Overseas, the people in India, China, Japan and Korea are waiting. We have quotes from newspapers suggesting that as soon as this bill passes, they will have a greater ability to take American technology even before a patent is granted and put it into commercial use against us.

This is a shameful, shameful proposal. The American people have a right to know. We are watching out for their interests. I don't care what the billionaires in the electronics industry and the financial industry say. We should have more debate on this. We should have had 2 or 3 hours of debate on this if it is as important as they say. Instead, we have been muzzled, and it is a power grab. Vote against H.R. 1908.

Mr. CONYERS. Madam Chairman, I yield 10 seconds to my colleague from California (Mr. BERMAN).

Mr. BERMAN. I thank the gentleman for yielding.

Madam Chairman, just because the gentleman says it is so, doesn't mean it is so. I have letters from the AFL–CIO, the university community, and the major centers of innovation and research in this country that directly contradict his assertion that they are opposed to the passage of this bill. The Members of this body should understand that.

Mr. CONYERS. Madam Chairman, I am pleased now to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Right before our break, we passed and sent to the President comprehensive innovation legislation that allowed America to maintain its lead in the area of technology and investment in the R&D of this country. With this legislation, the patent reform, we are taking the second step in assuring that America, American companies and America's innovation, maintains its leadership in the world and the companies that are producing the jobs and well-paying manufacturing jobs here in this country.

I have only a small assortment of letters from the CEO and managements of these companies: Mr. Chambers from Cisco, Safra Catz from Oracle, the president and chief financial officer, the CEOs from Palm and the Micron company, and other companies.

Just to read the sense of what they are saying: ''As a company with several thousand patents, Cisco believes deeply in strong protection for intellectual property. Unfortunately, as you found during the hearing process, there are clear signs the current patent system is not functioning properly.''

This is from Mr. Chambers, the chairman and CEO of Cisco: These reforms you are debating today, this legislation will allow us to continue to innovate and help maintain our Nation's position as the world's technology leader.

This is essential legislation for American companies, America's innovation, and its ability to produce jobs for the future. Major CEOs from major companies that have maintained and also built America's leadership in the high-tech field all support this legislation, in addition to leaders of every major consumer group. So it is both good for consumers and good for business and good for the companies that are producing the jobs here in this country.

I would like to submit into the RECORD these letters from just an assortment of the companies that support this legislation because of what we are doing to maintain America's leadership in the production of new jobs, new technology, and new companies here in the country, formation of new capital, venture capital funding, et cetera. This, though, is the most important step to ensure that when people invent things and design patents that they have the notion and the integrity that those patents and their ideas are going to be protected.

Today we are taking a major step, forward as the CEOs have said in their own letters, in maintaining America's leadership in the production of not only new companies but the most innovative jobs and high-paying jobs that are the future of this country. I want to commend the leadership for producing this legislation and having it on the floor today for a vote.

CISCO SYSTEMS. INC.,
San Jose, CA, September 6, 2007.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Hon. HOWARD L. BERMAN,
Chairman, Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, Rayburn House Office Building, Washington, DC.

Hon. LAMAR S. SMITH,
Ranking Member, Committe on the Judiciary, Rayburn House Office Building, Washington, DC.

Hon. HOWARD COBLE,
Ranking Member, Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS, RANKING MEMBER SMITH, CHAIRMAN BERMAN, AND RANKING MEMBER COBLE: I am writing to applaud your tireless efforts to pass H.R. 1908, the Patent Reform Act of 2007. As the House prepares to debate this bill, I want to reiterate to you Cisco's strong support for the legislation.

In bringing the issue of patent reform to the floor, the House of Representatives and the sponsors of H.R. 1908, have demonstrated a genuine commitment to promoting innovation. As a company with several thousand patents, Cisco believes deeply in strong protection for intellectual property. Unfortunately, as you found during the hearing process, there are clear signs the current patent system is not functioning properly. H.R. 1908 provides a series of needed reforms, which will modernize and restore balance to the patent system. These reforms will allow us to continue to innovate and help maintain our nation's position as the world's technology leader.

Passage of comprehensive patent reform is Cisco's number one legislative priority for 2007. We have made this issue a priority because we believe a modernized and balanced patent system will promote innovation throughout our economy and thus improve our nation's ability to compete in the global economy.

I believe the time has come for patent reform legislation, and I deeply appreciate your commitment to passing H.R. 1908.

Kind Regards,

JOHN CHAMBERS,
Chairman and CEO, Cisco.

ORACLE,
Washington DC, September 6, 2007.

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

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER AND REPUBLICAN LEADER BOEHNER: I am so pleased to see that the House of Representatives will soon begin debate and vote on H.R. 1908, the Patent Reform Act. I can't emphasize enough the significance of this upcoming vote—it is perhaps the single most important vote for our innovation-driven industry in the last few years.

Our economy historically has been at the forefront of each new wave of innovation for one simple reason: our intellectual property laws, starting with our nation's Constitution, reward innovation. However, today's U.S. patent system has not kept pace with the growth of highly complex information management systems—the cornerstone of an innovation wave that is truly global in scope. As a result, we have seen a significant increase in low quality patents, which has sparked a perverse form of patent litigation innovation. Some of our nation's most creative companies have been forced to spend tens of millions of dollars to defend themselves against frivolous lawsuits that extract settlements that are in the hundreds of millions of dollars.

This is not news to you and your colleagues. A bipartisan effort, led by Congressmen Howard Berman and Lamar Smith, has been underway for several years now, and after numerous public hearings and discussions with key stakeholders, a balanced blueprint for reform has been produced and approved by the House Judiciary Committee. In addition to long-sought reforms in patent quality, H.R. 1908 will bring certainty, fairness and equity to key stages of the patent litigation process, including determinations of venue, willful infringement and the calculation of damages.

In short, H.R. 1908 is designed to strengthen and bring our patent system back to basic principles: to reward innovation, and preserve our economy's creative and competitive leadership.

We at Oracle thank you and your colleagues for the tremendous work to advance this essential legislation, and we look forward to seeing H.R. 1908 become law in the 110th Congress.

Sincerely,

SAFRA CATZ,
President and Chief Financial Officer.

PALM INC.,
Sunnyvale, CA, September 5, 2007

Hon. HOWARD BERMAN,
House of Representatives, Rayburn Building, Washington, DC.

DEAR CONGRESSMAN BERMAN: On behalf of Palm, Inc., thank you for your work in bringing the Patent Reform Act of 2007 to the House floor for a vote this Friday, September 7, 2007.

This legislation is extremely important to Palm as well as other companies beyond the technology industry. By updating the current patent system, including changes that affect the litigation process, Palm will be able to continue to effectively innovate in ways that will benefit the consumer and the U.S. economy. We are proud to work with a diverse, multi-industry national coalition that has advanced this critical patent reform legislation over the past six years and we appreciate your leadership in providing a strong opportunity for passage.

I thank you for your time and commitment on this critical issue.

Sincerely,

EDWARD T. COLLIGAN,
Chief Executive Officer, Palm, Inc.

MICRON TECHNOLOGY, INC.,
Boise, ID, September 6, 2007.

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

DEAR MADAM SPEAKER: As H.R. 1908 the Patent Reform Act of 2007, led by Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, Representatives BERMAN and COBLE, is considered in the House of Representatives, I would like to take this opportunity to thank you and all the bill's supporters who have worked in a bipartisan fashion to help move this legislation forward.

Patent reform is a top legislative priority for the high-tech industry. Like many other supporters of this legislation, Micron Technology, Inc. is one of the world's top patent holders. Protecting our intellectual property is critical to our success. However, the U.S. patent system has not kept pace with the demands of rapidly evolving and complex technologies, and the global competitiveness of U.S. technology companies has suffered as a result. H.R. 1908 would balance many of the imbalances that currently plague our patent system. It would promote innovation, yet safeguard the rights of innovators, thereby restoring fairness to the patent system in our nation.

Thank you again for recognizing that now is the time to move forward on this important legislation.

Sincerely,

STEVEN R. APPLETON,
Chairman and CEO, Micron Technology, Inc.

AUTODESK, INC.,
San Rafael, CA, September 6, 2007.

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

DEAR MADAM SPEAKER: I want to thank you and your colleagues in the House leadership for scheduling H.R. 1908, The Patent Reform Act of 2007, for consideration this week on the floor of the House of Representatives. This legislation is my company's top legislative priority this year and is important to the innovation economy of the country. It has been thoughtfully drafted in a bipartisan manner to accommodate many diverse perspectives. I applaud the House for taking decisive action on this critical bill, and look forward to its passage and ultimate enactment into law.

Sincerely,

CARL BASS,
President & CEO, Autodesk, Inc.

KALIDO,
Burlington, MA, September 6, 2007.

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

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. HOWARD BERMAN,
Chairman, Subcommittee on Courts, the Internet and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER, MAJORITY LEADER HOYER, AND CHAIRMAN BERMAN: Thank you for bringing the Patent Reform Act of 2007 to the House floor for a vote this Friday, September 7, 2007.

This legislation is extremely important to the livelihood of my company as well as companies beyond the technology industry. By updating the current patent system, including changes that affect the litigation process, Kalido will be able to continue to innovate in ways that will benefit the consumer and the U.S. economy.

As a software company, our business is our intellectual property, and protecting software companies also protects the large multinational firms that benefit from our innovation. It is extremely important not only to protect our intellectual capital, but to motivate our investors, employees, and ultimately, our customers.

Understanding the challenges in advancing this critical patent reform legislation over the past six years, we appreciate your leadership for providing a strong opportunity for passage.

I thank you for your time and commitment on this issue.

Sincerely,

WILLIAM M. HEWITT,
President & CEO.

AUTHORIA, INC.,
Waltham, MA, September 6, 2007.

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

SPEAKER PELOSI: I look forward to seeing you again at TechNet Day this Spring.

Thank you for bringing the Patent Reform Act of 2007 to the House floor for a vote this Friday.

This legislation is extremely important to the livelihood of my company as well as tens of thousands of other high-growth companies.

By updating the current patent system, including changes that affect the litigation process, Authoria will be able to continue to innovate in ways that will benefit the consumer and the U.S. economy.

Understanding the challenges in advancing this critical patent reform legislation over the past six years, we appreciate your leadership for providing a strong opportunity for passage.

I thank you for your time and commitment on this issue.

Sincerely,

TOD LOOFBOURROW,
President, Founder & CEO Authoria, Inc.

Mr. SMITH of Texas. Madam Chairman, I yield 4 minutes to my friend from Virginia (Mr. GOODLATTE), the ranking member of the Agriculture Committee, the chairman of the House High Tech Caucus, and a senior member of the Judiciary Committee.

Mr. GOODLATTE. I thank the gentleman, and I thank him for his leadership on the Judiciary Committee and for years of leadership on this legislation, along with HOWARD BERMAN, the chairman of the Intellectual Property Subcommittee, and their staffs for this legislation.

Madam Chairman, article I, section 8 of our Constitution lays the framework for our Nation's patent laws. It grants Congress the power to award inventors, for limited periods of time, exclusive rights to their inventions. The Framers had the incredible foresight to realize that this type of incentive was crucial to ensure that America would become the world's leader in innovation and creativity.

These incentives are just as important today as they were at the founding of our country. It is only right that as more and more inventions with increasing complexity emerge, we should examine our Nation's patent laws to

ensure that they still work efficiently and that they still encourage, and not discourage, innovation, so America will remain the world's leader in innovation.

The solution involves both ensuring that quality patents are issued in the first place and ensuring that we take a good hard look at patent litigation and enforcement laws to make sure that they do not contain loopholes for opportunists with invalid claims to exploit. H.R. 1908 addresses both of these concerns.

First, the bill helps ensure that quality patents are being issued by the U.S. Patent and Trademark Office. The PTO, like any other large government agency, makes mistakes. H.R. 1908 creates a post-grant opposition procedure to allow the private sector to challenge a patent just after it is approved to provide an additional check on the issuance of bogus patents. Better quality patents mean more certainty and less litigation for patent holders and businesses.

In addition, H.R. 1908 contains important litigation reforms to rein in abusive lawsuits and forum shopping so that aggressive trial lawyers do not make patent litigation their next gold mine like they did for asbestos lawsuits, class action lawsuits and the like. Specifically, the bill tightens the venue provisions in the current patent law to prevent forum shopping.

H.R. 1908 also prohibits excessive damage awards. Believe it or not, there is no current requirement that damage awards in patent cases be limited to the value the patent added to the overall product. The courts have created a virtual free-for-all environment in this area. H.R. 1908 contains provisions to help ensure that damages are proportional to the value the invention added to the product, which will inject certainty into this area and allow businesses to devote their resources to R&D and innovating.

The bill also creates clearer standards for ''willful infringement'' by requiring greater specificity in notice letters alleging infringement of patent claims and requiring courts to include in the record more information about how they calculate damage awards.

Furthermore, the bill contains an important amendment that Congressman BOUCHER and I added during the Judiciary Committee markup to prevent individuals and companies from filing patents to protect tax strategies. Since 1998, when the Federal Circuit Court of Appeals held that business methods were patentable, 51 tax strategy patents have been granted covering such topics as estate and gift tax strategies, pension plans, charitable giving and the like. Over 80 additional tax strategy patents are pending before the USPTO.

When one individual or business is given the exclusive right to a particular method of complying with the Tax Code, it increases the cost and complexity for every other citizen or tax preparer to comply with the Tax Code. No one should have to pay royalties to file their taxes. H.R. 1908 renders these tax strategy patents unpatentable so that citizens can be free to comply with the Tax Code in the most efficient manner without asking permission or paying a royalty.

Our patent laws were written over 50 years ago and did not contemplate our modern economy where many products involve hundreds and even thousands of patented inventions. H.R. 1908 provides a much-needed update to these laws, and I urge my colleagues to support this litigation.

Mr. CONYERS. Madam Chairman, I am pleased to add to that trio in the Judiciary that has worked for so long on patent reform. Her name is ZOE LOFGREN, and she is a subcommittee Chair; but she stayed with patent reform. I yield her 2½ minutes.

Ms. ZOE LOFGREN of California. Thank you, Mr. CONYERS, Mr. BERMAN, Mr. SMITH for your hard work.

I rise in support of the bill which brings much-needed reform to our system. We have worked hard really over the past half decade to come to this floor today with this legislation.

I want to talk about one issue, and that is venue. Due to a flawed Federal Court decision in 1990, B.E. Holdings, patent trolls have been able to file cases more or less wherever they choose in the United States. And that decision has led to forum shopping as plaintiffs filed in jurisdictions where they knew they stood a better chance of winning, and where they would get more money if they did win.

For example, filings in eastern Texas went from 32 cases a year 4 years ago to over 234 cases last year with a projected 8 percent increase this year. Patent holders win 27 percent more often there, and the awards are much bigger. The presiding judge himself describes the district as a ''plaintiff-oriented district.'' It has led to the formation of entities that exist solely to bring patent cases. For example, the Zodiac Conglomerate is formed of several smaller companies. None of the companies create any technology. They don't produce any products. All of those companies are incorporated in either Texas or Delaware. They exist for one purpose only, to bring patent cases. So far the Zodiac Conglomerate has sued 357 different companies, mostly in the Eastern District of Texas.

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Manufacturing venue leads to overly aggressive litigation behavior, which deters legitimate innovation. This manager's amendment is going to correct the problem. The bill will allow cases to be filed where the defendant is located or has committed acts relevant to the patent dispute.

We give the freest rules to independent inventors and to individual inventors and universities, noting their special role in this system. Corporate plaintiffs can only bring cases where the facilities are located if they have engaged in activities relevant to the patent dispute.

In sum, the bill restores fairness and clarity to patent litigation by removing the most glaring instances of forum shopping by patent trolls.

I represent Silicon Valley, which has a diversity of high tech. Biotech, large companies, small companies, universities, small inventors, pharmaceutical companies, we have got them all, including small inventors working out of a garage. A balanced approach to innovation is essential to all of these entities. H.R. 1908 provides that balance. We need to pass this bill today. I urge my colleagues to do so.

Mr. SMITH of Texas. I yield 2 minutes to my friend, the gentleman from Ohio (Mr. CHABOT), the ranking member of the Small Business Committee, ranking member of the Anti-Trust Task Force, and a senior member of the Judiciary Committee.

Mr. CHABOT. Mr. Chairman, I rise in reluctant opposition to H.R. 1908, the Patent Reform Act, that we are considering here now. While this bill has been improved since its introduction back in April, the scheduling of this bill for consideration today makes one question whether reform really is the majority's objective.

Why else would we push a bill through on a Friday afternoon under a structured rule that will only allow a few selected amendments even to be considered? In fact, since this bill was reported from the Judiciary Committee in July, several of us, as well as the stakeholders, have asked the leadership to slow this bill down to ensure that we have a true reform bill that is fair and equitable to all who use the patent system.

I believe the bill in its current form, and even if the manager's amendment is adopted, fails to strengthen the system Congress created to foster and protect innovation. In fact, more than 100 companies, unions, universities, coalitions and other organizations have voiced their concerns with this bill.

These entities, users of the patent system, believe that the changes proposed by this act and the amendments we are considering today will be harmful to their respective businesses, will be bad for the economy, and could threaten our status as the number one patent system in the world. If that is even possible, why would we rush to pass a bill that could jeopardize the very industries and employees that have made this Nation what it is today?

Innovation is the heart and soul of this country. What has made the U.S. the strongest patent system in the world is its ability to adapt to different business models and innovations, protecting those who invent, while at the same time encouraging public dissemination.

Of course, our patent system is not perfect. The Small Business Committee that I happen to be the ranking member of held a hearing on March 29th,

2007, examining how small businesses use the patent system and the impact that this patent reform would have on them. The most revealing aspect of the hearing was the consensus among members and panelists that Congress should be very careful in making significant change to the system.

Mr. Chairman, I urge my colleagues to oppose this.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. WATT), who has worked continuously on this bill to improve it.

Mr. WATT. I thank the gentleman for yielding.

Mr. Chairman, when you practice law for 22 years, as I have before coming to Congress, and served on the Judiciary Committee for 15 years and never even in all that time dealt with patents, you are tempted to think of patent lawyers and the law of patents as a bunch of technocrats and elevate constitutional considerations and criminal law and other civil rights matters to a higher position. It has been an eye-opening experience for me, the first time to serve on this subcommittee and to see how important patent law is to stimulating, encouraging innovation, and to see how difficult and precise the law needs to be and how far behind the patent law has become in adapting to changes.

One of the changes that I think hasn't gotten much attention in this bill that I was surprised at as a member of the Financial Services Committee that has so many regulators of the various parts of our financial system which can promulgate rules, it seemed to me when I found out that the Patent and Trade Office really didn't have the authority to promulgate any meaningful rules, that that was contributing to the problem, because innovations and ideas and inventions and communications are traveling so fast that the law can't always keep up with them. It is in that context that meaningful regulation is important. So I wanted to point to that particular aspect.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. MANZULLO), the former chairman of the Small Business Committee.

Mr. MANZULLO. Mr. Chairman, if we had to patent the way Congress is considering this bill, no one would claim to be its inventor. This is a disgrace. One of the most important bills to come before this Nation in 60 years concerning manufacturing and patentability of articles and processes is so limited that the Democrats have given just 4 minutes of their 30 to two people on the other side. They owe them an apology. They owe them at least another hour of debate. The American people deserve a lot more debate than that.

An amendment was filed at 2:46 yesterday before the Rules Committee, the manager's amendment. One of the groups that contacted us representing pharmacies and labor unions and Caterpillar and all kinds of manufacturing organizations got a hold of it, finally had to analyze it overnight because of the complexity of the issues, and said, my gosh, this could destroy the system of patent law and protection of patent holders in this country.

What we are asking for is the opportunity to be able to explain it. Members of Congress should not be placed in the position of choosing between innovation.

Let me give you an example. Caterpillar is on one side, in Peoria, Illinois, PHIL HARE's district. Hundreds of thousands of suppliers across the country, including the Midwest. Research in Motion, the maker of the BlackBerry, is on the other side of the issue, in favor of it. But inside of the BlackBerry is this motherboard. It is magnesium. It is made by Chicago White Metals. They have the finest processes for magnesium hot-chamber diecasting, a company that is the only diecasting company in the country that is rated ISO 14001 for its higher environmental standards.

You have to get on the inside of these machines to understand the importance of this law. You have to be able to take every single word that is added at the last minute and be able to study it to see the impact upon American innovation. That is what this debate is about. It is simply asking for more time.

The first thing we learn as Members of Congress is do no harm. Why should we place ourselves in the position of choosing winners and losers in something as important as patent law, with the excuse that we have to harmonize and we have to adopt Asian and European standards of patent law? What is wrong with the American system? We are the innovators, we are the ones with the great minds. It is our system that is placed, in effect, in the entire world, all the products and the processes and the ideas that have made us free.

I would therefore ask the Members, even if you lean towards this bill, to vote against it as a matter of free speech principle. The American people are entitled to more debate, because they need to know more about this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 10 seconds.

I just want to tell the previous speaker that we have had to accommodate about 20 different parts of our American industry and society, and, of course, everybody is not equally happy. Apparently you are one of those.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. JOHNSON).

(Mr. JOHNSON of Georgia asked and was given permission to revise and extend his remarks.)

Mr. JOHNSON of Georgia. I thank the chairman.

Mr. Chairman, I rise in support of H.R. 1908, the Patent Reform Act of 2007. I want to commend the Chair of the Judiciary Committee, JOHN CONYERS, as well as all the members of the Subcommittee on Courts, the Internet and Intellectual Property, especially Chairman HOWARD BERMAN, and also Ranking Member HOWARD COBLE, for their hard work in bringing this important piece of legislation to the floor. It is a bipartisan effort.

Although I am a new member to this subcommittee, I am well aware that Congress has been debating patent reform for several years. This area of the law has not been updated for 55 years, yet patents touch upon so many different sectors, from agriculture to biotechnology to manufacturing and computer technology.

In order to continue to stimulate growth and reward inventors in these various sectors, we in Congress are charged with finding the right balances between protecting inventions and stimulating innovation. Our Founding Fathers realized it was so important to protect inventions and promote innovation that they wrote that protection into our Constitution in article I, section 8.

For more than half a century, the United States has led the world in research and innovation, partly due to the fact that the U.S. rewards its inventors and protects their ideas. But since the last update to our system over 55 years ago, technology has rapidly changed and has revolutionized our economy. In order to keep up with these changes, Congress has stepped forward to update this important body of law.

This bill makes several important changes, including moving from a first-to-invent to a first-to-file system. It places certain limitations on willful infringement, it creates a new process of post-grant review, and it addresses changes of venue to address the issue of forum shopping.

This bill is not perfect, but I ask that the Members of this body pass this bill.

Now this bill is not perfect, and Members as well as many representatives from various industries have come to my office with their concerns about the damages section of HR 1908.

During the House Judiciary Committee markup, Congressman FEENEY and I were able to craft an amendment that I believe struck a balance, giving juries the ability to come to a deliberate decision while giving them the flexibility within the law to assess damages.

Our intent is also included in the CONGRESSIONAL RECORD; the case law used in assessing damages, also known as the fifteen Georgia Pacific factors, may still be considered when courts are assessing damages. We have diligently tried to meet the concerns of a wide spectrum of industries and while this bill is not perfect, it is a bipartisan effort to update the patent system.

Mr. Chairman, it is my hope that although there are continued concerns, we can work on them through the conference committee process in a continued bi-partisan fashion and we can all come to a compromise.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr.

GOHMERT), the deputy ranking member of the Crime Subcommittee of the Judiciary Committee.

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

Mr. GOHMERT. I thank the ranking member.

Mr. Chairman, there are some things that need repair in the U.S. patent system, but something about this bill kept troubling me. When I read the provision regarding the transfer of venue, I began to realize something was very wrong. The provision said the court may transfer an action only to a district where ''the defendant had substantial evidence or witnesses.''

I could not believe it. That provision did not even allow a judge to consider fairness or justice or caseloads or time delays or whether the plaintiff was a small entrepreneur with only a few patents who could be led to bankruptcy by being forced to file in a court where it had a 5-year delay. I would have been absolutely staggered during my years as a judge to see a venue provision like this. Many agreed and realized that was grossly overreaching and proponents of the bill immediately recognized that and were willing to work.

But patent cases increased in the Eastern District of Texas when companies like Texas Instruments realized they could get a trial within 18 months in front of some of the best judges in the country and get fairness. Initially, there were more plaintiff victories, but, as I understand, the last year or so it has been 50–50, which there is nowhere in the country comparable to that.

I began to realize something was very wrong and one-sided when something like that could get into a bill, and especially the manager's amendment, without being noticed. And who would want something like that? Then you realize, it is big companies who do not want others to have the opportunities that they did.

So that made me look again at the damage provision that was being completely changed. I realized to whom that was helping and whom that would destroy, and I realized that the language for that must have come from the same type source who did not want anything but a small cookie cutter or mold to consider damages when, for years now, there have been many more factors that needed to be considered. You have drug cases. You have objects that are patented. You have concepts.

The Comprehensive Patent Reform bill being pushed at this time has some good features.

There are some things that need repair in the U.S. patent system. But, something about this bill kept troubling me.

When I read the provision regarding the transfer of venue, I began to realize something was very wrong. The provision said that the court may transfer an action only to a district where "the defendant has substantial evidence or witnesses." That provision did not even allow the judge to consider fairness, or justice, or case loads and time delays of other courts or whether the plaintiff was a small entrepreneur with only a few patents who will be destroyed if the case is transferred to a court with a 5-year wait to trial. In my days as a trial judge, I would have been absolutely staggered to see a venue rule so incredibly one-sided. It was grossly overreaching and proponents of the bill immediately recognized that when it was pointed out, but they just had not noticed that. They then agreed to changes that prevent the language from being quite so egregious.

As our colleague from the high tech area of California pointed out moments ago, there have been patent cases filed in the Eastern District of Texas in my district. That began happening when Texas Instruments, not some small patent troll, along with others who had patents being infringed, could not get a prompt trial elsewhere, realized the Eastern District of Texas had some of the best judicial minds who were rarely ever reversed, and they could receive a trial within 2 years instead of 5. So lawsuits were filed there. As far as the rates of victories by plaintiffs to defendants, she cited old data and the new data shows that the district being excoriated in the past year probably has had more equality of verdicts than anywhere else in the country, which means the issue is a red herring for something else to get passed that is potentially deadly to invention.

I agreed we needed to do something about patent trolls who buy patents so they can sue to try to hold up a company for cash. I agreed that's not right. I was willing to help fix it. But after proposing solutions to that which were met by a desire to use that issue only as an excuse to make comprehensive, devastating changes to two centuries of patent law, I realized something inappropriate was at work here.

I began to realize something was very wrong for a terribly one-sided provision to make its way into the official bill being considered as a Manager's Amendment at the full Judiciary Committee. I began to think about who must have written or at least pushed to get that type of totally one-sided provision in there. It was not anyone interested in fairness. It was someone interested in really tilting the playing field completely one way. That had to be from huge defendants who wanted to drag small entrepreneurs into dilatory situations so that their invention or component could be usurped without proper compensation, even though it might mean the bankruptcy of the inventor and the destruction of the opportunity for the little guys with the inventive vision and spirit, which actually spurred some of the greatest developments and wealth we know and have in this country.

So when I looked again at the damage provision that was being completely changed, I realized whom that was helping and whom that would destroy and I realized that language came from the same type source. It is extremely one-sided and completely abrogates the ability of a court to use factors or standards that are applicable in the vast variety of patent cases which arise. Patents are obtained for so many different types of objects, drugs, and even concepts. To try to force such a huge spectrum of patents into one small specific type of cookie cutter or mold is of great concern to so many.

Then, I remembered also something about this "comprehensive" type approach—that's what was being said about immigration reform!! In the case of Immigration, "Comprehensive Reform" was being used to make some changes most of us could probably agree on in order to mask within those acceptable provisions other problematic provisions unacceptable to most Americans which could probably not pass by themselves. After finding examples of inappropriately oppressive language that was being stuffed or hidden in a large comprehensive bill, I am left wondering why not just fix the limited areas that are agreeable and not shove a brand new comprehensive, revolutionary change—that some say will absolutely set over 200 years of patent law on its head—that may give some of the largest corporations in the country the ability to prevent others from having the same opportunities they had to become large.

It is real easy to continue to excoriate these horrid "patent trolls", which could easily be addressed by very small changes to a very limited provision. If you want to limit patent trolls, then restrict the abilities of those who purchase the patents or rights to sue as secondary holders of patents. If that is not enough, there are other limited ways to handle it, though one must be careful not to destroy principal patent assets after a company is bought out by another. But I would humbly submit that when an easy fix is rejected to such a problem because some desire the issue to mask an effort that may well denigrate or destroy the adequate ability to preserve such assets—something is amiss in Washington, DC.

As objections from many areas have grown, the private interests pushing this bill have realized they may have pushed too far too fast, so have sought to appear less draconian, but we must review what this bill does. The bill before us today completely changes: The damages or compensation that may be obtained from a wrongdoer for stealing or usurping someone else's patent; the law on where such suits for infringement may be filed; the effect of a patent; the law on administrative review of patents and privacy issues of the patent before it is final. Is it any wonder that the worst thieves nationally and internationally of U.S. intellectual property are hoping we pass this bill.

It is also important to point out that we have heard here today promises about things that will be fixed between now and when the law were to become law. We've been told that our input is welcome toward such fixes. The trouble is, we were told the same thing at the full committee. I was one who was called by name to help the group work on fixes to major problems. Though I am not questioning motivation at this juncture, I have made myself available to meet and have offered suggestions, but the group that was going to meet and work on the changes before today never met that I was advised. My staff says they were never advised. So much for getting in that valuable input.

The question remains: do we need this much of a complete change to a system that has spurred, nurtured and protected the greatest advancements in the history of mankind. I would submit that it is imperative that we back up, vote this down, and come back with non-comprehensive provisions that do not include provisions that will tilt the playing field and so dramatically change our laws to protect intellectual property rights. We should borrow from the old Code in Medicine to first do no harm!

Mr. CONYERS. Mr. Chairman, 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.)

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Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first of all thank the toiling committee chaired by Chairman CONYERS and Ranking Member SMITH. This has been a long journey. As a new member of the Subcommittee on Intellectual Property, let me also thank both the chairman and ranking member for a tough, tough challenge.

It is important to express that this is a significant change in patent law, but it is done to protect, if you will, the very treasure that has propelled America into an economic engine and that we must insist continue.

I think the changes that have been made certainly to some may be startling, but the effort was to bring all parties together. I am delighted that even though there are questions about, for example, the first-to-file over the first-to-invent, this committee saw fit to add my amendment which means that there will be periodic review so Congress will be instructed on whether or not this works on behalf of all inventors big and small.

Then when we look at the workings in section 5 dealing with first-to-file and dealing with damages. Rather than passing this law forever and ever, an amendment I added will give us an opportunity to study it to assess who is it helping and who is it hurting. We certainly want to ensure that all are given an opportunity.

I am very glad that the manager's amendment has impacted the damages provision. The original bill seemed to require all apportionment in all cases. But in this instance the manager's amendment has made it as one of the factors. Therefore, when you look at a Post-it sticker, you can determine how much the glue has helped the Post-it sticker. This is apportionment of damages in case there was a lawsuit.

I know that there are many groups, such as Innovation Alliance, that I look forward to working with as we make our way through to ensure that this bill answers the questions big and small and fuels the economic engine of manufacturing, universities, pharmaceuticals and others, like small inventors. I ask my colleagues to consider this bill and support it. It has a meaningful response to changing patent law for all involved.

Mr. Chairman, as an original co-sponsor and member of the Judiciary Subcommittee on the Courts, Intellectual Property, and the Internet, I rise in strong support of H.R. 1908, the Patent Reform Act of 2007. I am proud to Support this legislation because in many ways the current patent system is flawed, outdated, and in need of modernization. Under the visionary leadership of Chairman CONYERS and Subcommittee Chairman BERMAN, joined by Mr. SMITH and Mr. COBLE, their counterparts on the minority side, the Judiciary Committee labored long and hard to produce legislation that reforms the American patent system so that it continues to foster innovation and be the jet fuel of the American economy and remains the envy of the world.

Mr. Chairman, Article I, Section 8, clause 8 of the Constitution confers upon the Congress the power:

> To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

In order to fulfill the Constitution's mandate, we must examine the patent system periodically. The legislation before us represents the first comprehensive review of the patent system in more than a generation. It is right and good and necessary that the Congress now reexamine the patent system to determine whether there may be flaws in its operation that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of meaningful alternatives to the patent litigation process.

On the other hand, Mr. Chairman, we must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property.

The role of venture capital is very important in the patent debate, as is preserving the collaboration that now occurs between small firms and universities. We must ensure that whatever improvements we make to the patent laws are not done so at the expense of innovators and to innovation. The legislation before us, while not perfect, does a surprisingly good job at striking the right balance.

Mr. Chairman, the subject of damages and royalty payments, which is covered in Section 5 of the bill, is a complex issue. The complexity stems from the subject matter itself but also interactive effects of patent litigation reform on the royalty negotiation process and the future of innovation. Important innovations come from universities, medical centers, and smaller companies that develop commercial applications from their basic research. These innovators must rely upon the licensing process to monetize their ideas and inventions.

Mr. Chairman, the innovation ecosystem we create and sustain today will produce tomorrow's technological breakthroughs. That ecosystem is comprised of many different operating models. It is for that reason that we evaluated competing patent reform proposals thoroughly to ensure that sweeping changes in one part of the system do not result in unintended consequences to other important parts.

Let me discuss briefly some of the more significant features of this legislation, which I will urge all members to support.

SECTION 3: RIGHT OF THE FIRST INVENTOR TO FILE

H.R. 1908 converts the U.S. patent system from a first-to-invent system to a first-inventor-to file system. The U.S. is alone in granting priority to the first inventor as opposed to the first inventor to file a patent. H.R. 1908 will inject needed clarity and certainty into the system. While cognizant of the enormity of the change that a "first inventor to file" system may have on many small inventors and universities, a grace period is maintained to substantially reduce the negative impact to these inventors.

Moreover, the legislation incorporates an amendment that I offered during the full committee markup that requires the Department of Commerce Undersecretary for Intellectual Property and Director of the Patent and Trademark Office director to conduct a study every seven years on the effectiveness of revisions made in the bill to the patent derivation litigation system and submit the report to the House and Senate Judiciary committees. In embracing this constructive addition to the bill, the Committee Report notes:

> [T]he amendments in section 3 of the bill serve to implement a fundamental change in the operation of the United States patent system. Such change, while well-reasoned, requires a mechanism for monitoring its long-term effects.

SECTION 5: FORMULA FOR CALCULATING FAIR AND EQUITABLE REMEDIES

Section 5 of the bill provides useful clarification to courts and juries designed to ensure inventors are compensated fairly, while not discouraging innovation with arbitrary or excessive damage awards. While preserving the right of patent owners to receive appropriate damages, the bill provides a formula to ensure that the patent owner be rewarded for the actual value of the patented invention.

Computing damages in patent cases is an exceedingly complex task. The complexity stems not from the unwillingness of competing interests to find common ground but from the interactive effects of patent litigation reform on the royalty negotiation process and the future of innovation.

To illustrate, consider this frequently cited hypothetical. A new turbine blade for a jet engine is invented which enables the plane to achieve a 40 percent increase in gas mileage. What is fair compensation for the holder of the patent? Damages could fairly be based on the number of turbine blades used, the number of jet engines employing those turbine blades, or on a percentage of the savings of the cost of jet fuel used, or the number of miles flown by aircraft using engines employing the turbine blades, or even, if the higher efficiency of aircraft using the turbine blades was the basis for the market demand for the jet, the jet itself.

The original version of the bill was susceptible to a reasonable interpretation that apportionment would be required in all cases. But as marked up and amended, apportionment is only one of the several methods a court can use in awarding damages, including the use of the current approach established in *Georgia-Pacific* v. *United States Plywood Corp.*, 318 F.Supp. 116 (S.D.N.Y. 1970), which provides that reasonable royalty damages are ascertained by looking to what the infringer would have paid, and what the patent owner would have accepted, for a license, had one been negotiated at the time the infringement began.

Moreover, apportionment no longer applies to damages based on lost profits. Another change allows plaintiff to recover the enhanced value of previously known elements where their combination in the invention adds value or functionality to the prior art. This is a very important and helpful compromise on the issue of patent case damages. We must keep in mind that important innovations come from universities, medical centers, and smaller companies that develop commercial applications from their basic research. These innovators must rely upon the licensing process to monetize their ideas and inventions.

Thus, it is very important that we take care not to harm this incubator of tomorrow's technological breakthroughs. The bill before us strikes the proper balance.

In addition, it should also be pointed out that included in the bill is another of my amendments adopted during the full committee markup requiring the PTO Director to conduct a study on the effectiveness and efficiency of the amendments to section 5 of the bill, and submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study. The report must include any recommendations the Director may have on amendments to the law add any other recommendations the Director may have with respect to the right of the inventor to obtain damages for patent infringement. The study must be done not later than the end of the 7-year period beginning on the date of enactment of this Act and at the end of every 7-year period after the date of the first study. In adopting this amendment, the Judiciary Committee reported that:

[T]he amendments in section 5 of the bill will have many positive effects on the patent system, but that the changes are sufficiently significant to require periodic monitoring. By examining the effects of these changes on a regular basis, and by paying attention to such feedback as may be obtained through these studies, Congress can ensure that any unforeseen negative consequences that may arise can be dealt with through future legislation or other mechanisms.

WILLFUL INFRINGEMENT AND PRIOR USE RIGHTS

The legislation also contains certain limitations on willful infringement. A court may only find willful infringement if the patent owner shows, by clear and convincing evidence, that (1) the infringer, after receiving detailed written notice from the patentee, performed the acts of infringement, (2) the infringer intentionally copied the patented invention with knowledge that it was patented, or (3) after having been found by a court to have infringed a patent, the infringer engaged in conduct that again infringed on the same patent. An allegation of willfulness is subject to a "good faith" defense. H.R. 1908 also expands the "prior user rights" defense to infringement, where an earlier inventor began using a product or process (although unpatented) before another obtained a patent for it.

POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS

Another beneficial feature of H.R. 1908 is that it cures the principal deficiencies of re-examination procedures and creates a new, post-grant review that provides an effective and efficient system for considering challenges to the validity of patents. Addressing concerns that one seeking to cancel a patent could abuse a post -grant review procedure, the bill establishes a single opportunity for challenge that must be initiated within 12 months of the patent being granted. It also requires the PTO Director to prescribe rules for abuse of discovery or improper use of the proceeding, limits the types of prior art which may be considered, and prohibits a party from reasserting claims in court that it raised in post-grant review.

VENUE AND JURISDICTION

Finally, the bill also addresses changes to venue, to address extensive forum shopping and provides for interlocutory appeals to help clarify the claims of the inventions early in the litigation process. H.R. 1908 would restore balance to this statute by allowing cases to be brought in a variety of locales—including where the defendant is incorporated or has its principal place of business or has committed a substantial portion of the acts of infringement and has a physical facility controlled by the defendant. H.R. 1908 makes patent reform litigation more efficient by providing the Federal Circuit jurisdiction over interlocutory decisions, known as Markman orders, in which the district court construes the claims of a patent as a matter of law.

CONCLUSION

In short, Mr. Chairman, the argument for supporting H.R. 1908 can be summed up as follows: For those who are confident about the future, the bill, as amended, offers vindication. For those who are skeptical that the new changes will work, the Jackson-Lee amendments added to the bill will provide the evidence they need to prove their case. And for those who believe that maintaining the status quo is intolerable, the legislation before us offers the best way forward.

I urge all members to join me in supporting passage of this landmark legislation.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to call on my neighbor and friend, MARCY KAPTUR from Toledo, Ohio; and I recognize her for 2 minutes.

Ms. KAPTUR. Mr. Chairman, I thank my good friend from the great State of Michigan, the chairman of the committee, for yielding.

Unfortunately, I have to disagree with him on this bill and urge my colleagues to vote ''no'' on H.R. 1908 because we don't want to weaken the U.S. patent system. This is surely not the time with a trillion-dollar trade deficit to do more selling out of America and to try to harmonize our standards down to some of the worst intellectual property pirates like China.

This bill essentially makes it easier for infringers to steal U.S. inventions, and it is truly sad that we are only given a few seconds to talk about this. That alone should tell our colleagues, vote ''no,'' give us a chance to open this up and talk about how this is going to affect jobs in America.

This bill affects two-thirds to 80 percent of the asset value of all U.S. firms. Most industrial companies in this country oppose it. Over 200 organizations across this country oppose it, including the electronics industry, pharmaceuticals, small inventors, and universities. And, yet, we just get a few seconds here.

Let me tell you what is going on. Mr. EMANUEL was down here earlier reading a list of the big semiconductor companies, the high-tech firms. This bill does heavily benefit them because they are some of the worst intellectual property infringers.

What this bill does is it supports those large transnational corporations that repeatedly infringe on the patents of others, and they are looking to reduce what they have to pay in the courts. Now, they have had to pay about $3.5 billion in fines over the last couple of years, and it was deserved. But that represents less than 1 percent of their revenues. What they are trying to do is use this bill to make it harder for small inventors and others to file.

What does this bill change? It says to an inventor, unlike since 1709 in this country, when we say if you are first to invent, that patent belongs to us, they want to change it to first-to-file. In other words, they can file it anywhere else in the world and someone else can take that and infringe on that invention. It is not first-invention anymore, it is first-to-file. Boy, there is a lot more to say and our time should not be squashed in this House on an issue of such vital importance to the industrial and the commercial base of this country.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Chairman, I thank the gentleman for yielding. Today I rise in strong opposition to the Patent Reform Act of 2007. While I appreciate all of the hard work that Chairman BERMAN did on this bill, I think this bill is bad for our manufacturing industry.

We have been told that the manager's amendment significantly improves the bill. It actually is worse than the underlying bill, especially with respect to the damages section in the bill. This bill is fundamentally flawed. It can't be fixed by the manager's amendment.

This bill will weaken patent protection by making patents less reliable, easier to challenge, and cheaper to infringe. This bill severely threatens American innovation, jobs and competitiveness and ought to be opposed.

Hundreds of companies and organizations around the country have written Congress to raise their strong opposition and their strong objections to certain provisions of this bill. Manufacturers, organized labor, biotech, nanotech, pharmaceuticals, small businesses, universities, and economic development organizations have serious concerns about this legislation.

Foreign companies are watching this legislation and are eager to attack U.S. patents. The Economic Times reports that Indian companies see an opportunity to challenge our patents; and by doing so, they will leave our businesses in a litigation crisis.

We are compromising many of our industries by passing this bill. We are creating a litigation nightmare. We need to proceed to get a better bill, and I urge my colleagues to defeat this legislation so we can move forward on legislation with more people who will support patent reform which has to be changed. I urge my colleagues to defeat this legislation.

Mr. CONYERS. Mr. Chairman, I take 5 seconds to assure my distinguished friend from Maine that I have more industry in my State than he does, and I am protecting them pretty much.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to Mr.

ISSA, a member of the Judiciary Committee and the holder of 37 U.S. patents.

Mr. ISSA. Mr. Chairman, for those who may be interested, some of my patents have expired and more will.

I am no longer a day-to-day inventor; but I will always have the soul of an inventor, the belief that in fact if you have an idea, you can go to the Patent Office and for a relative de minimis amount of money you can in fact protect that idea for a period of 20 years from the time you ask the Patent Office to protect your invention and give you an opportunity to make a small or not-so-small fortune off of it.

I don't think there is anyone in the Congress who owes their reason for being here to the success of patents more than myself. My company grew and thrived because we were able to protect our intellectual property, patents, copyrights and trademarks. So since I have been here as a non-attorney coming to the Congress and asking to be on the Judiciary Committee, a little bit like Sonny Bono, that is where the things he knew about were legislated. He knew about copyrights and songs; I know a little bit about patents, and a lot about the flaws in the system.

And, Mr. Chairman, there are many flaws in the system. This bill has been the best work by the best minds, both by Members of Congress, but also by staff, trade associations and industry, to bring out those mistakes and to try to find solutions.

Today you have heard a lot of anger and rancor about China. Nobody could want America to prosper more than I do. But, in fact, by next year more than half of all patents in the U.S. will be granted to non-U.S. companies. This is not a debate about protecting patents against foreigners. Foreigners are patenting in our country, and we invite that innovation. It has often led to prosperity in all aspects of America.

I include a long letter from UCSD CONNECT, an organization founded by Bill Otterson and the University of California at San Diego, in which they, along with California Healthcare Institute, BIOCOM, Gen-Probe, Invitrogen, Pfizer, Qualcomm and others who all say this is a good bill, but we have some additional areas we would like to find compromise on. Some of the things in this letter of yesterday are included in the manager's amendment. Some will be included in amendments that will be heard on the floor in a few minutes.

CONNECT®,
September 5, 2007.

Hon. DARRELL ISSA,
Washington, DC.

DEAR REPRESENTATIVE ISSA: We greatly appreciate the time you spent meeting with CONNECT last week to discuss the Patent Reform Act, H.R. 1908. Thank you for your efforts to improve the bill and, in particular, your ongoing work on the post-grant review provision.

Given the immediacy of the House floor consideration, this letter and ensuing draft language serves as a follow-up to our recent meeting. On behalf of the San Diego innovation community and CONNECT members, we request your continued leadership and strongly urge your consideration of the following improvements to the bill.

APPORTIONMENT OF DAMAGES

As you well know, the damages provision in the patent statute is a critical part of patent law and a vital part of strong patent protection, which CONNECT supports. We believe our patent system must have appropriate consequences that serve as a deterrent for stealing intellectual property. However, we do not want the law modified to the point where patent infringement is simply a cost of doing business. Per our meeting, we have worked with your staff to develop the draft language at the end of this letter to address this important matter.

Further, the courts must have flexibility in the assessment of damages. The bill takes away this flexibility. The judicial system is working. A judge either accepts a jury decision or not, and the appeals system is in place to handle additional grievances. We encourage you to avoid binding the court with a prescribed mechanism and ask you to consider the language following this letter that preserves judges' flexibility.

RULEMAKING

The existing rulemaking language in the bill is too expansive and gives the U.S. Patent and Trademark Office (PTO) unparalleled authority. Congress is expressly given authority in the U.S. Constitution to safeguard intellectual property. In addition, we believe this excessively broad rulemaking power could lead to instability in the patent system. Congress is better equipped to develop standards through legislative means. As such, we urge you to follow the Senate's lead and remove the PTO rulemaking provision from the House bill.

USER FEES

The diversion of user fees has long been a concern because it hinders the PTO's ability to hire examiners and eliminate the backlog of patents. It now takes approximately 31 months for a patent to be issued, and a 2005 congressional report stated that without fee diversion the patent backlog would lower to about 22 months.

Given this, we respectfully ask that you include language, identical to Senator Coburn's amendment to S. 1145, to prevent the diversion of fees collected by the PTO for general revenue purposes by cancelling the appropriations account for PTO fees and creating a new account in the U.S. Treasury for the fees to be deposited.

VENUE

We favor balanced venue language with respect to the parties that is also symmetrical in terms of transfer. Venue should be proper in a district or division: (1) in which either party resides or (2) where the defendant has committed acts of infringement and has a regular and established place of business. Specifically, we urge a return to the pre-markup venue provision in H.R. 1908.

Thank you, again, for your consideration of our views and the accompanying draft language. Though we do not support the bill as currently written, we want to work with you to make the legislation a means to strengthen the patent system to advance innovation, promote entrepreneurship and boost job growth. We look forward to continuing to work with you to achieve these goals.

Sincerely,

CONNECT, AMN Healthcare, California Healthcare Institute, BIOCOM, Gen-Probe, Invitrogen, Pfizer, QUALCOMM, San Diego State University Research Foundation Tech Transfer Office, Tech Coast Angels, Townsend and Townsend and Crew.

DRAFT DAMAGES LANGUAGE

SEC. 5. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 is amended—

(1) in the first paragraph—

(A) by striking ''Upon'' and inserting ''(a) IN GENERAL.—Upon'';

(B) by designating the second undesignated paragraph as subsection (c); and

(C) by inserting after subsection (a) (as designated by subparagraph (A) of this paragraph) the following:

''(b) RESONABLE ROALTY.—

''(1) IN GENERAL.—An award pursuant to subsection (a) that is based upon a reasonable royalty shall be determined in accordance with this subsection. Based on the facts of the case, the court shall consider the applicability of paragraph (2), (3) and (5) in calculating a reasonable royalty. The court shall identify the factors that are relevant to the determination of a reasonable royalty under the applicable paragraph, and the court or jury, as the case may be, shall consider only those factors in making the determination.

''(2) RELATIONSHIP OF DAMAGES TO CONTRIBUTIONS OVER PRIOR ART.—If an infringer shows evidence that features not covered by the claimed invention contribute economic value to the accused product or process, an analysis may be conducted to ensure that a reasonable royalty under subsection (a) is applied only to that economic value properly attributable to the claimed invention. The court, or the jury, as the case may be, may exclude from the analysis the economic value properly attributable to features not covered by the claimed invention that contribute economic value to the infringing product or process.

''(3) ENTIRE MARKET VALUE.—If the claimant shows that the claimed invention is the predominant basis for market demand for a product or process that has a functional relationship with the claimed invention, damages may be based upon the entire market value of the products or professes involved that satisfy that demand.

''(4) COMBINATION INVENTIONS.—For purposes of paragraphs (2) and (3), in the case of a combination product or process the elements of which are present individually in the prior art, the patentee may show that the economic value attributable to the infringing product includes the value of the additional function resulting from the combination, as well as the enhanced value, if any, of some or all of the prior art elements resulting from the combination.

''(5) OTHER FACTORS.—In determining a reasonable royalty, the court may also consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.''

Mr. Chairman, this is a work in process; but since when does this body say that in fact the good will be sacrificed in search of the perfect? We have never done that. Every bill that goes through here is by definition the best work we can do as a continuous body, one that will come back after this bill becomes law and continue working on refinements.

I would like to quickly say there will be amendments that will be offered that will deal with some of the very issues that people have said today are an outrage because they are not there. I hope that my colleagues, even if they

do not vote for the final bill, will come and support the amendments that make this bill better because as a body what we do best is we take the best ideas from the best places we can get them, we bring them together and we create the best bill we possibly can.

That is what we have done here today. It is the best work available. People who are dissenting today, we welcome on a bipartisan basis their input to find language that will make it better.

Mr. Chairman, in closing, the one thing I would say is we are past the point of compromise. What we are into is finding win/wins. We are looking to take issues in which one side is for and one side is against and find real middle ground, and we have done that in a couple of areas, and we will continue to want to do that.

I am a small inventor. I want to make sure that the small inventor is protected. That is why this bill is going to maintain the right of the small inventor, or any inventor, to retain the secrecy of their invention if they are not granted a patent. That is why we are going to limit the regulatory authority of the PTO so that for a time, as long as we need to, every time they propose a rule, we will have a right and an obligation to consider it and if even one Member of this body opposes it, to bring to a vote that opposition to the rule.

These kinds of compromises and win/wins and thoughtful legislation are unusual in this body. That is why I believe that this will win overwhelming support here. We will continue to work to find an even better bill in conference with the Senate because, in fact, we are a bicameral body. We have to, in fact, get something that both sides can live with.

In closing, I want to thank Mr. BERMAN, Mr. CONYERS, and certainly Mr. SMITH and Mr. COBLE because they have made this the best bill we can possibly have.

Mr. Chairman, I rise in support of H.R. 1908, the Patent Reform Act of 2007. While we will continue to improve the bill as this process moves forward, I support the product before us and look forward to ongoing efforts to strengthen this legislation.

As the holder of 37 United States patents, I came to Congress with the desire to tackle elements I found awry in our patent laws. While in the private sector, I litigated several patent cases before our district courts and the United States Court of Appeals for the Federal Circuit. Through these experiences, I learned a great deal about patent law, both what was right with the law and areas that could use improvement.

One area in need of improvement is in the ability of district court judges to hear patent cases effectively. I am gratified that the House passed legislation I authored to address this problem in the last two congresses. However, we are here today to deal with the substance of patent law, not our judges' ability to master it.

There are strong arguments in favor of reform, as well as strong arguments in favor of caution as we move forward. Our patent laws have not had an overhaul in many decades, while technology has advanced exponentially. Not all of our patent laws fit today with the advancements we have seen in electronics, biotechnology, and many other areas. Importantly, many commentators and practitioners are concerned with the preponderance of over-zealous litigation and what some deem exaggerated damages awards.

Both of these issues are addressed in part in this bill. The creation of a post grant review procedure at the Patent Office will help direct some conflicts away from court to an administrative remedy, hopefully saving vast resources in time and money. Damages awards are addressed in encouraging courts to look toward apportioning damages more often, or allowing damages that represent the value of an infringed invention in a product into which the invention is incorporated.

With damages and several other issues in this legislation, there is still work to be done. But to keep this process moving, to keep parties negotiating in good faith, I believe we must support this bill today and commit to improving it in the weeks to come.

I am offering two amendments today to help address issues that opponents of this legislation have highlighted over the forgoing negotiation process. The first maintains the ability of patent applicants to keep their application from going public until action is taken by the patent office. Opponents of the current bill argue that, because the legislation before us eliminates this option, entities at home and abroad will steal an applicant's ideas. My amendment solves this problem.

The second amendment focuses on the ability of the United States Patent and Trademark Office to promulgate rules. The PTO currently has limited ability to do so, and opponents of this legislation argue that the very ability of the United States to compete in a global economy could be adversely affected by a bad rule put forth by the PTO. My amendment requires a 60-day delay before PTO rules take effect so that Congress may have the opportunity to review these rules. If Congress finds the rule unacceptable, it has the ability to vote on a Joint Resolution of Disapproval nullifying the PTO's action. If Congress does nothing, the rule takes effect. Therefore, this amendment helps to ameliorate concerns over possible PTO action that could harm innovation in the United States.

Even opponents of the underlying bill should support these amendments. While my amendments do not cure all ills in the legislation as seen by its opponents, they do address two very controversial problems in the bill.

I thank Judiciary Committee Ranking Member LAMAR SMITH and Subcommittee Chairman HOWARD BERMAN for all of their effort on this legislation, and I especially thank them for their indulgences in hearing my thoughts on these issues as we have worked over the years on patent reform. We have worked long and hard on this bill, and I have the full intention to continue our work together after today's votes.

Mr. CONYERS. Mr. Chairman, I now introduce for our closing speaker the distinguished gentleman from Florida, Mr. BOB WEXLER, to have the balance of our time.

Mr. WEXLER. Mr. Chairman, a co-chair of the Congressional Caucus on Intellectual Property Promotion, I rise in strong support of this patent reform legislation because it is critical for the continued growth of American businesses and the creation of high-paying jobs in America.

This bill will nurture and protect inventors, thereby promoting future Alexander Graham Bells and tomorrow's Microsofts.

For more than 200 years, strong patent protection, along with timely examination of patent applications, has helped secure the economic success of the United States by empowering inventors and encouraging the development of American business both large and small.

□ 1330

Every day, Americans rely on the innovation that comes from our patent system. From new computer technologies to medicines for America's seniors, the American patent system provides the fuel for our most important technological accomplishments.

In America today, our capacity to come up with new ideas actually outstrips the value of the goods we make. The licensing of U.S. patents contributes approximately $150 billion to our annual economy, and intellectual property, including patents, is the only economic area where the United States maintains a solid trade surplus with the rest of the world.

A well-functioning patent system is vital to America's commercial and scientific entrepreneurs and preserves the incentives for innovation guaranteed under the United States Constitution.

This legislation will make America more competitive in the global marketplace, not less. We need to support Mr. BERMAN and Mr. CONYERS in their effort to produce what I would respectfully suggest is the most important economic legislation that this House will pass. This is excellent for America's workers; it's excellent for America's universities and our economy at large.

Ms. HIRONO. Mr. Chairman, I rise in reluctant opposition to H.R. 1908, the Patent Reform Act.

I applaud the House Judiciary Committee and the House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property for their efforts in putting together this comprehensive bill. However, I cannot in good conscience support the Patent Reform Act in its current form given the concerns that continue to be raised from organizations in my district and at least 100 companies nationwide.

Organizations in my district, such as the Hawaii Science & Technology Council and University of Hawaii's Office of Technology Transfer and Economic Development, have raised concerns regarding the provisions on mandatory publication, prior user rights, apportionment of damages, and post-grant review, which may discourage investment in innovative technologies, harm inventors, and reduce publication and collaborative activities among academic scientists. I want to make sure that the final bill that becomes law protects the interests of Hawaii's burgeoning high technology industry and small inventors.

This bill remains a work-in-progress that certainly requires more debate. Our patent system serves as the basis for America's innovation. It is my hope that the concerns and needs of our inventors will be addressed in conference should this bill pass the House as I very much want to be able to support the final conference report.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 1908, Patent Reform Act of 2007.

While I recognize the need for some reform of the United States' patent process, I believe we must proceed carefully and with the goal of improvement for the many stakeholders affected by the patent system. We should continue to work towards an efficient system that issues high-quality patents and places reasonable limits on patent challenges. Although there are some provisions in H.R. 1908 that could prove beneficial, this far-reaching bill could do serious harm to many of the important employers in my district.

North Carolina benefits greatly from its strong university system. Institutions including the University of North Carolina at Chapel Hill and North Carolina State University in my district serve as engines for research and innovation that help to drive the state's economy. In addition, the 2nd Congressional District of North Carolina contains a number of pharmaceutical companies and biotechnology companies that provide thousands of jobs and are helping to transform our economy. Along with many of the traditional manufacturing companies in North Carolina, the lifeblood of these institutions is the value of the patents they hold. These entities have expressed opposition to any measure that would weaken their patent portfolios. H.R. 1908 in its current form would endanger the value of their patents and harm their ability to continue fueling our economy.

Our patent system has long been a wonderful tool that has helped to foster innovation and reward American ingenuity. Patents, and their value and validity, serve as the backbone for thousands of companies and help form the basis of our economy. Congress should continue to work to reform the system in a way that benefits all of the varied interests that keep our economy strong. I hope the conference committee on H.R. 1908 can correct its shortcomings so I can support and Congress can enact comprehensive reform of our patent process.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to commend Chairman CONYERS and the House Leadership for their diligence in addressing the issue of patent reform, and to express why I unfortunately must oppose this bill in its current form.

There is an overwhelming need to move patents through the approval process quickly, fairly, and economically. I commend this bill on many of the positive changes it makes to the reform system, but I remain concerned about provisions that may dramatically restrict damages payable by infringers. It is my fear that this bill will alter the current system in favor of defendants resulting in further backlogs. These changes to the current system would ultimately hurt existing patent owners.

In addition, this bill implements a post grant review process that will lead to duplicative challenges, resulting in an increase to the cost of patent ownership and significantly decreasing the enforceability, predictability and value of all patents.

Numerous technology firms, both large and small are opposed to this bill, as well as, many universities. These are the people on the forefront of our technological future and their voice and opposition need to be heard.

Innovation and advancement are key to the future of America. It is my concern that this bill will tilt the legal balance in favor of patent infringers and discourage innovation and investment in research and development. We must protect our innovators and allow them to pursue concise and necessary action in the court of law.

Ms. MATSUI. Mr. Chairman, I rise today in support of the progress to our Nation's competitiveness that the Patent Reform Act represents. Patents are vital to our universities, our large and small companies, our entrepreneurs, and our economy. Our advances in technology are clearly demonstrated by the vast increase in patent applications submitted. Our policies and procedures governing the United States patent process must be updated to keep pace with our inventors. The Patent Reform Act takes significant steps towards that goal.

I appreciate the extensive patent portfolio that is generated by the cutting-edge research at the University of California. These innovations provide the intellectual property that businesses depend on to develop new products. I have heard from numerous constituents in my district on this issue who benefit from the technology transfer process. I am happy to represent their interests by supporting patent reform. This is an incredibly complex topic, as we face the challenge of legislating a single patent system to meet the needs of many industries.

I commend Subcommittee Chairman BERMAN, Chairman CONYERS, Ranking Member SMITH, and the entire House Judiciary Committee for their diligence. They have worked tirelessly with hundreds of stakeholders to reach the carefully crafted bill that we have on the floor today. I thank the committee and its staff for their long commitment to patent reform. The product of their years of work, the Patent Reform Act, will improve our nation's competitiveness and start moving our country's patent system into the 21st century.

Mrs. BONO. Mr. Chairman, today I rise in support of the Patent Reform Act of 2007. I would like to commend Congressman BERMAN, Congressman SMITH and the many Members of the House, on both sides of the aisle, who have worked diligently to bring this legislation before us. As one who cares deeply about the importance of strong legal protections for copyright and other intellectual property rights, I look forward to supporting this bill today.

My experience with the importance of intellectual property rights has been in the field of entertainment, specifically music. The greatest protection that the innovators of these songs and performances have is their ability to copyright. To continue encouraging involvement and growth in the area of entertainment and the myriad of jobs that are tied to the industry, it is critical that patents are protected, in order to support the many creative individuals who bring music to the masses.

Many of the issues that we address in Congress from telecommunications to energy to health care advancements all have their basis in a few core concepts—the ability for small and large inventors to pursue a unique idea through the patent process. With that pursuit brings the need for related capital that is often required from outside investors to further the research and development that brings the patent holder's idea to consumers across the world. California is home to some of the most impressive and entrepreneurial high-tech, biotech and entertainment industries that rely heavily on patent protection and copyright laws. Each of these industries, and their hundreds of thousands of employees, will be greatly impacted by these changes.

This basic concept of innovation is as critical in the high-tech field as it is in the health sciences and biotech realm. However, as many of my colleagues have pointed out today, the interaction between competitors and the role of patent protections differs greatly between fields. There is no one-size-fits-all solution. As this legislation moves forward and is considered in conference, it is my hope that the conferees will be aware of the concerns that have been expressed by the biotech industry and take these concerns into consideration.

Again, I would like to reiterate my support of this long awaited legislation. There has been remarkable bipartisan work on this legislation over the past several years and I am proud to cast my vote in support of it.

Mr. UDALL of Colorado. Mr. Chairman, while I have some concerns about this bill, I will vote for it because I think on balance it deserves to be approved as a necessary step toward needed improvements in the current law.

I am far from expert in the intricacies of patent law, so I have listened carefully to those with more knowledge, including several companies employing substantial numbers of Coloradans that utilize patents in various fields. While they are not unanimous, most of them have urged support for the legislation.

I have also noted that the passage of the legislation, as a step toward needed improvements in the current law, is supported by the Consumers Federation of America, Consumers Union, the Electronic Frontier Foundation, and other groups including the Financial Services Roundtable.

At the same time, I have listened to the concerns expressed by others who have raised a number of objections to the bill and think that its defects are so serious as to merit rejection of the legislation in its current form.

I take those objections seriously, but I have decided that nonetheless the better outcome today is for the House to pass the bill and for further discussion of the points they raise to occur in the context of debate in the Senate and then a conference between that body and the House of Representatives.

Mrs. MCCARTHY of New York. Mr. Chairman, I will support H.R. 1908 with some reservations.

Our patent laws need to be updated to address the concerns of a 21st Century global economy. For decades, the law has reacted to innovation rather than anticipating it. H.R. 1908 contains many positive provisions that will make it easier for us to compete. I, therefore, want the process to move forward.

The American economy is strong in part because it is diverse. We do not depend on only one segment for our income. Some countries grow crops. Others rely on tourism. Still other countries depend on finite natural resources. Some specialize in manufacturing or providing specific services. We are fortunate enough to

be able to conduct all these businesses and more.

A revised patent law must protect and encourage all segments of our economy. We cannot favor high tech over manufacturing. We cannot discourage biotech research while encouraging financial services.

If our economic foundation remains strong and diversified, we will be able to retain our preeminent role in the world's economy. However, if our patent laws inhibit invention and innovation in manufacturing and basic research, then we would be undermining the very strength of our national economy.

As the legislative process continues, I hope that the authors of H.R. 1908 and the members of the other body will remember one important point. The purpose of our patent law is to protect and promote American innovation. Innovation by Americans and for Americans is the keystone to our domestic economic vitality and strength.

The final version of patent reform must address the legitimate interests of manufacturing, biotech, and small inventors. My vote on a final patent reform bill will depend on how well those interests are met.

Ms. ESHOO. Mr. Chairman, I rise in strong support of this legislation which I am proud to cosponsor, and I congratulate Chairman BERMAN for his exceptional leadership and on this complex issue.

I am proud to represent Silicon Valley, which is known worldwide for the innovation and developing technologies that continue to change and improve our lives. Nowhere in America—nowhere in the world—are ideas, invention, and intellectual property more important.

Patents and IP are the cornerstone of the Information Economy, and it is essential that the United States patent system continue to foster the ideas and innovation which fuel our economy and keep America competitive.

The patent system, unfortunately, has been subject to abuse, and unscrupulous opportunists have exploited the rights granted to legitimate patent holders to target innovative companies and file groundless lawsuits based on dubious patents.

The rapid pace of innovation and increasingly complex patent filings have strained the Patent and Trademark Office and patent claims of questionable validity have been granted.

Loopholes and shortcomings in the disposition of patent cases also allow baseless claims of infringement to create unnecessary litigation and extort nuisance settlements, sapping billions from economic growth, and creating a drag on real innovation.

Technology companies have become particularly enticing targets for this litigation because of the broad importance of patents to technology products. Just a single piece of high-tech equipment can contain hundreds of patents, and any one of them can now be used to sue for the value of the entire product.

One company in Silicon Valley—Cisco Systems—spent $45 million this year to defend patent infringement cases.

It is time to implement reforms to the patent system and ensure that we reward truly novel ideas and cutting edge innovation, not successful litigation strategies.

This bipartisan legislation enjoys broad support throughout the technology industry, major universities including the University of California, as well as major consumer groups such as Consumer Federation of America, Consumers Union, and U.S. PIRG.

I urge my colleagues to support this bill which will restore balance to our patent system.

Ms. WOOLSEY. Mr. Chairman, the patent reform bill before us today is a necessary step to modernize and streamline our patent process to ensure American innovation will keep our country competitive. It's been over 50 years since we have updated our patent process. That's before the Internet, before personal computers, and before digital music. Actually, it's 5 years before they launched Sputnik. So, there can be no doubt that reforming the system to accommodate a new era of innovation is needed.

Although this bill isn't perfect, I think that it does move the ball forward in terms of reforming the system. Clearly, additional patent reform is needed in the pharmaceutical and biomedical industry as there are many issues left unresolved by H.R. 1908. Hopefully these issues can be addressed in conference with the Senate.

Mr. Chairman, I commend my colleagues on the Judiciary committee for all of their hard work on this bill, it's been fifty-five years in the making, and it's time for an update.

Mr. CANNON. Mr. Chairman, I urge you to support the Patent Reform Act of 2007, H.R. 1908.

Certain aspects of our patent system have not been amended since 1954, but our economy has changed dramatically since then and it's time our patent system caught up.

H.R. 1908 was introduced and is supported by the bipartisan leadership of the Judiciary Committee and was approved by the committee in a unanimous voice vote.

For the sake of our Nation's ability to innovate, grow and compete, we must pass this legislation.

The danger of not reforming our patent system is real and we are witnessing its effects today.

Patents of questionable validity are limiting competition and raising prices for consumers—a fact noted by the Federal Trade Commission in a 2003 report.

In addition, current interpretations of patent law by district and appellate courts have veered far from what Congress originally intended.

The result is that companies are diverting resources from R&D to pay for legal defense.

Because interpretations of patent law are so off-course, the U.S. Supreme Court has had to intervene in an unusually high number of patent cases in recent years.

In one case, the Court explicitly called for Congress to take action.

We have been debating patent reform for years. Such issues as post-grant review and damages apportionment have been components of various patent reform bills in the House and Senate over the course of the last several sessions and have been discussed at length in nearly every forum, from Congressional hearings to the media.

One issue that generated the most debate in previous Congresses—injunctions—was resolved by the U.S. Supreme Court in 2006 in much the same way as proposed legislation would have done.

Yet despite predictions from some that reforming the standards for granting injunctions would grind innovation to a halt, patent holders still are granted injunctions today to protect their intellectual property. In fact, the patent system is healthier as a result.

H.R. 1908 will restore fairness and common sense to the standards for awarding reasonable damages.

Today, patent holders regularly are awarded damages based on the value of an entire product, even if the patent in question is one of literally thousands of other patented components comprising the product.

Additionally, H.R. 1908 will give trained patent examiners greater ability to review patents and enhance patent quality.

Innovation is indeed threatened not by changes to the system, but by the status quo.

After years of debate, it's time for action.

One area of particular interest to me is the language in the manager's amendment dealing with venue reform.

I am pleased the Chairman included venue reform language in the manager's amendment.

At the Judiciary Committee, Representative ZOE LOFGREN of California offered an amendment that I cosponsored that would inject sanity into the patent litigation system.

The venue reform language will create a real and substantial relationship between the parties and the acts of infringement by denying the ability to manufacture venue for hopes of gaming the judicial system.

During years of efforts on litigation reform, we have learned about what some have referred to as Judicial Hell Holes.

These locations are where judges apply laws and procedures in an unfair and unbalanced manner.

The underlying legislation's intent is to bring fairness and balance into the patent system.

And the venue language will bring fairness and balance to patent litigation.

This amendment will not close the court house door on any plaintiff.

But it will require legitimate nexus for where claims may be brought.

The nexus requirements of the amendment will prevent groups or entities from artificially manipulating presence in a judicial district just to game the system to file suit.

Swift passage of H.R. 1908 will stimulate innovation, competition and growth—great news for consumers, workers and our global economic leadership.

I urge support of H.R. 1908.

Mrs. TAUSCHER. Mr. Chairman, I rise today to commend the work of my colleague, Chairman HOWARD BERMAN, on the Patent Reform Act of 2007.

This bill is a necessary step forward in the modernization of a patent system that has not been meaningfully updated for decades.

I urge my colleagues to show their support for reform by casting a vote for this bill.

This bill will result in higher quality patents emerging from the Patent and Trademark Office.

It will harmonize our patent system with that of our major trading partners.

And it will improve fairness in litigation by preventing ''patent trolls'' from shopping around for friendly courts.

At the same time, I look forward to working with Congressman BERMAN to fine-tune a number of provisions in this bill.

In my State of California, our economy is based on the incredible advances made by

university researchers, the high-tech sector, and the life sciences industry.

Innovations in all sectors must be afforded the strongest possible protection.

This has particular importance for small venture-backed firms whose patents are their only asset.

With this in mind, I look forward to seeing improvements to provisions governing the way damage awards are calculated in patent suits.

The inequitable conduct defense and the issue of continuations also deserve further review and revision.

I again applaud Chairman BERMAN for his efforts, and urge my colleagues to support H.R. 1908.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1908

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 ''Patent Reform Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 35, United States Code.
Sec. 3. Right of the first inventor to file.
Sec. 4. Inventor's oath or declaration.
Sec. 5. Right of the inventor to obtain damages.
Sec. 6. Post-grant procedures and other quality enhancements.
Sec. 7. Definitions; patent trial and appeal board.
Sec. 8. Study and report on reexamination proceedings.
Sec. 9. Submissions by third parties and other quality enhancements.
Sec. 10. Tax planning methods not patentable.
Sec. 11. Venue and jurisdiction.
Sec. 12. Additional information; inequitable conduct as defense to infringement.
Sec. 13. Best mode requirement.
Sec. 14. Regulatory authority.
Sec. 15. Technical amendments.
Sec. 16. Study of special masters in patent cases.
Sec. 17. Rule of construction.

SEC. 2. REFERENCE TO TITLE 35, UNITED STATES CODE.

Whenever in this Act a section or other provision is amended or repealed, that amendment or repeal shall be considered to be made to that section or other provision of title 35, United States Code.

SEC. 3. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of an invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any one of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by section 112(a).

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

''(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of two or more persons working toward the same end and producing an invention by their collective efforts.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, in public use, or on sale—

''(A) more than one year before the effective filing date of the claimed invention; or

''(B) one year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2) shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor before the date on which the application or patent referred to in subsection (a)(2) was effectively filed; or

''(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon one or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 is amended to read as follows:

''§ 103. Conditions for patentability; non-obvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104, and the item relating to that section in the table of sections for chapter 10, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157, and the item relating to that section in the table of sections for chapter 14, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291, and the item relating to that section in the table of sections for chapter 29, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—

(1) IN GENERAL.—Section 135(a) is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—

''(A) REQUEST FOR PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request that sets forth with particularity the basis for finding that another applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request—

''(i) may only be made within 12 months after the earlier of—

''(I) the date on which a patent is issued containing a claim that is the same or substantially the same as the claimed invention; or

''(II) the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention; and

''(ii) must be made under oath, and must be supported by substantial evidence.

''(B) DETERMINATION OF DIRECTOR.—Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101 on the basis of a request under subparagraph (A), the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(3) DERIVATION PROCEEDING.—The Patent Trial and Appeal Board may defer action on a request to initiate a derivation proceeding for up to three months after the date on which the Director issues a patent to the applicant that filed the earlier application.

''(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board in a derivation proceeding, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to a patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the Patent and Trademark Office.''.

(2) CONFORMING AMENDMENTS.—(A) Section 135 is further amended—

(i) in subsection (b)—

(I) by striking ''(b)(1) A claim'' and inserting the following:

''(b) SAME CLAIMS.—

''(1) ISSUED PATENTS.—A claim''; and

(II) by striking ''(2) A claim'' and inserting the following:

''(2) PUBLISHED APPLICATIONS.—A claim''; and

(III) moving the remaining text of paragraphs (1) and (2) 2 ems to the right;

(ii) in subsection (c)—

(I) by striking ''(c) Any agreement'' and inserting the following:

''(c) AGREEMENTS TO TERMINATE PROCEEDINGS.—

''(1) IN GENERAL.—Any agreement'';

(II) by striking ''an interference'' and inserting ''a derivation proceeding'';

(III) by striking ''the interference'' each place it appears and inserting ''the derivation proceeding'';

(IV) in the second paragraph, by striking ''The Director'' and inserting the following:

''(2) NOTICE.—The Director'';

(V) by amending the third paragraph to read as follows:

''(3) JUDICIAL REVIEW.—Any discretionary action of the Director under this subsection shall be reviewable under chapter 7 of title 5.''; and

(VI) by moving the remaining text of paragraphs (1) and (2) of subsection (c) 2 ems to the right; and

(iii) in subsection (d)—

(I) by striking ''(d) Parties'' and inserting ''(d) ARBITRATION.—Parties'';

(II) by striking ''a patent interference'' and inserting ''a derivation proceeding''; and

(III) by striking ''the interference'' and inserting ''the derivation proceeding''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 41(a)(6), 134, 141, 145, 146, 154, 305, and 314 are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Section 141 is amended—

(A) by striking ''an interference'' and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) Section 146 is amended—

(A) in the first paragraph—

(i) by striking ''Any party'' and inserting ''(a) IN GENERAL.—Any party'';

(ii) by striking ''an interference'' and inserting ''a derivation proceeding''; and

(iii) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''; and

(B) in the second paragraph, by striking ''Such suit'' and inserting ''(b) PROCEDURE.—A suit under subsection (a)''

(4) The section heading for section 134 is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(5) The section heading for section 135 is amended to read as follows:

''§ 135. Derivation proceedings''.

(6) The section heading for section 146 is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(7) Section 154(b)(1)(C) is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(8) The item relating to section 6 in the table of sections for chapter 1 is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(9) The items relating to sections 134 and 135 in the table of sections for chapter 12 are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(10) The item relating to section 146 in the table of sections for chapter 13 is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(11) CERTAIN APPEALS.—Subsection 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date provided in section 3(k) of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

(k) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect 90 days after the date on which the President transmits to the Congress a finding that major patenting authorities have adopted a grace period having substantially the same effect as that contained under the amendments made by this section; and

(B) shall apply to all applications for patent that are filed on or after the effective date under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) MAJOR PATENTING AUTHORITIES.—The term ''major patenting authorities'' means at least the patenting authorities in Europe and Japan.

(B) GRACE PERIOD.—The term ''grace period'' means the 1-year period ending on the effective filing date of a claimed invention, during which disclosures of the subject matter by the inventor or a joint inventor, or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor, do not qualify as prior art to the claimed invention.

(C) EFFECTIVE FILING DATE.—The term ''effective filing date of a claimed invention'' means, with respect to a patenting authority in another country, a date equivalent to the effective filing date of a claimed invention as defined in section 100(h) of title 35, United States Code, as added by subsection (a) of this section.

(l) REVIEW EVERY 7 YEARS.—Not later than the end of the 7-year period beginning on the effective date under subsection (k), and the end of every 7-year period thereafter, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall—

(1) conduct a study on the effectiveness and efficiency of the amendments made by this section; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any recommendations the Director has on amendments to the law and other recommendations of the Director with respect to the first-to-file system implemented under the amendments made by this section.

SEC. 4. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, each individual who is the inventor or a

joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration by an individual under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by individual; and

''(2) the individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention and has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit of an earlier filing date under section 120 or 365(c), if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, such additional statements shall be filed in accordance with regulations established by the Director.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed under this section must contain an acknowledgment that any willful false statement is punishable by fine or imprisonment, or both, under section 1001 of title 18.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 11 is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 is amended—

(1) in the first paragraph——

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention''; and

(2) in the second paragraph—

(A) by striking ''The specification'' and inserting ''(b) CONCLUSION.—The specification''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act; and

(2) shall apply to any application for patent, or application for reissue patent, that is filed on or after the effective date under paragraph (1).

SEC. 5. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 is amended—

(1) in the first paragraph, by striking ''Upon'' and inserting ''(a) IN GENERAL.—Upon'';

(2) by designating the second undesignated paragraph as subsection (c);

(3) by inserting after subsection (a) (as designated by paragraph (1) of this subsection) the following:

''(b) REASONABLE ROYALTY.—

''(1) IN GENERAL.—An award pursuant to subsection (a) that is based upon a reasonable royalty shall be determined in accordance with this subsection. Based on the facts of the case, the court shall determine whether paragraph (2), (3), or (5) will be used by the court or the jury in calculating a reasonable royalty. The court shall identify the factors that are relevant to the determination of a reasonable royalty under the applicable paragraph, and the court or jury, as the case may be, shall consider only those factors in making the determination.

''(2) RELATIONSHIP OF DAMAGES TO CONTRIBUTIONS OVER PRIOR ART.—The court shall conduct an analysis to ensure that a reasonable royalty under subsection (a) is applied only to that economic value properly attributable to the patent's specific contribution over the prior art. The court shall exclude from the analysis the economic value properly attributable to the prior art, and other features or improvements, whether or not themselves patented, that contribute economic value to the infringing product or process.

''(3) ENTIRE MARKET VALUE.—Unless the claimant shows that the patent's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may not be based upon the entire market value of the products or processes involved that satisfy that demand.

''(4) COMBINATION INVENTIONS.—For purposes of paragraphs (2) and (3), in the case of a combination invention the elements of which are present individually in the prior art, the patentee may show that the contribution over the prior art may include the value of the additional function resulting from the combination, as well as the enhanced value, if any, of some or all of the prior art elements resulting from the combination.

''(5) OTHER FACTORS.—In determining a reasonable royalty, the court may also consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.'';

(4) by amending subsection (c) (as designated by paragraph (1) of this subsection) to read as follows:

''(c) WILLFUL INFRINGEMENT.—

''(1) INCREASED DAMAGES.—A court that has determined that the infringer has willfully infringed a patent or patents may increase the damages up to three times the amount of damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

''(2) PERMITTED GROUNDS FOR WILLFULNESS.—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that—

''(A) after receiving written notice from the patentee—

''(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

''(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed one or more of the alleged acts of infringement;

''(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

''(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and that resulted in a separate finding of infringement of the same patent.

''(3) LIMITATIONS ON WILLFULNESS.—(A) A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

''(B) An informed good faith belief within the meaning of subparagraph (A) may be established by—

''(i) reasonable reliance on advice of counsel;

''(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

''(iii) other evidence a court may find sufficient to establish such good faith belief.

''(C) The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

''(4) LIMITATION ON PLEADING.—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.''; and

(5) in the third undesignated paragraph, by striking ''The court'' and inserting ''(d) EXPERT TESTIMONY.—The court''.

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''of a method''; and

(ii) by striking ''review period;'' and inserting ''review period; and'';

(B) in paragraph (2)(B), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraphs (3) and (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for a method''; and

(ii) by striking ''at least 1 year before the effective filing date of such patent, and'' and all that follows through the period and inserting ''and commercially used, or made substantial preparations for commercial use of, the subject matter before the effective filing date of the claimed invention.'';

(B) in paragraph (2)—

(i) by striking ''The sale or other disposition of a useful end product produced by a patented method'' and inserting ''The sale or other disposition of subject matter that qualifies for the defense set forth in this section''; and

(ii) by striking ''a defense under this section with respect to that useful end result'' and inserting ''such defense'';

(C) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(D) in paragraph (7), by striking ''of the patent'' and inserting ''of the claimed invention''; and

(3) by amending the heading to read as follows:

''§ 273. Special defenses to and exemptions from infringement''.

(c) TABLE OF SECTIONS.—The item relating to section 273 in the table of sections for chapter 28 is amended to read as follows:

''273. Special defenses to and exemptions from infringement.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

(e) REVIEW EVERY 7 YEARS.—Not later than the end of the 7-year period beginning on the date of the enactment of this Act, and the end of every 7-year period thereafter, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall—

(1) conduct a study on the effectiveness and efficiency of the amendments made by this section; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any recommendations the Director has on amendments to the law and other recommendations of the Director with respect to the right of the inventor to obtain damages for patent infringement.

SEC. 6. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) CITATION OF PRIOR ART.—

(1) IN GENERAL.—Section 301 is amended to read as follows:

''§ 301. Citation of prior art

''(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

''(1) prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent; or

''(2) written statements of the patent owner filed in a proceeding before a Federal court or the Patent and Trademark Office in which the patent owner takes a position on the scope of one or more patent claims.

''(b) SUBMISSIONS PART OF OFFICIAL FILE.—If the person citing prior art or written submissions under subsection (a) explains in writing the pertinence and manner of applying the prior art or written submissions to at least one claim of the patent, the citation of the prior art or written submissions (as the case may be) and the explanation thereof shall become a part of the official file of the patent.

''(c) PROCEDURES FOR WRITTEN STATEMENTS.—

''(1) SUBMISSION OF ADDITIONAL MATERIALS.—A party that submits written statements under subsection (a)(2) in a proceeding shall include any other documents, pleadings, or evidence from the proceeding that address the patent owner's statements or the claims addressed by the written statements.

''(2) LIMITATION ON USE OF STATEMENTS.—Written statements submitted under subsection (a)(2) shall not be considered for any purpose other than to determine the proper meaning of the claims that are the subject of the request in a proceeding ordered pursuant to section 304 or 313. Any such written statements, and any materials submitted under paragraph (1), that are subject to an applicable protective order shall be redacted to exclude information subject to the order.

''(d) IDENTITY WITHHELD.—Upon the written request of the person citing prior art or written statements under subsection (a), the person's identity shall be excluded from the patent file and kept confidential.''.

(b) REEXAMINATION.—Section 303(a) is amended to read as follows:

''(a) Within three months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(c) CONDUCT OF INTER PARTES PROCEEDINGS.—Section 314 is amended—

(1) in the first sentence of subsection (a), by striking ''conducted according to the procedures established for initial examination under the provisions of sections 132 and 133'' and inserting ''heard by an administrative patent judge in accordance with procedures which the Director shall establish'';

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) The third-party requester shall have the opportunity to file written comments on any action on the merits by the Office in the inter partes reexamination proceeding, and on any response that the patent owner files to such an action, if those written comments are received by the Office within 60 days after the date of service on the third-party requester of the Office action or patent owner response, as the case may be.''; and

(3) by adding at the end the following:

''(d) ORAL HEARING.—At the request of a third party requestor or the patent owner, the administrative patent judge shall conduct an oral hearing, unless the judge finds cause lacking for such hearing.''.

(d) ESTOPPEL.—Section 315(c) is amended by striking ''or could have raised''.

(e) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) is amended—

(1) in the subsection heading, by striking ''FINAL DECISION'' and inserting ''DISTRICT COURT DECISION''; and

(2) by striking ''Once a final decision has been entered'' and inserting ''Once the judgment of the district court has been entered''.

(f) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III is amended by adding at the end the following new chapter:

''CHAPTER 32—POST-GRANT REVIEW PROCEDURES

''Sec.
''321. Petition for post-grant review.
''322. Timing and bases of petition.
''323. Requirements of petition.
''324. Prohibited filings.
''325. Submission of additional information; showing of sufficient grounds.
''326. Conduct of post-grant review proceedings.
''327. Patent owner response.
''328. Proof and evidentiary standards.
''329. Amendment of the patent.
''330. Decision of the Board.
''331. Effect of decision.
''332. Settlement.
''333. Relationship to other pending proceedings.
''334. Effect of decisions rendered in civil action on post-grant review proceedings.
''335. Effect of final decision on future proceedings.
''336. Appeal.

''§ 321. Petition for post-grant review

''Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid

by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

"§ 322. Timing and bases of petition

''A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

''(1) the petition is filed not later than 12 months after the grant of the patent or issuance of a reissue patent, as the case may be; or

''(2) the patent owner consents in writing to the proceeding.

"§ 323. Requirements of petition

''A cancellation petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies the cancellation petitioner; and

''(3) the petition sets forth in writing the basis for the cancellation, identifying each claim challenged and providing such information as the Director may require by regulation, and includes copies of patents and printed publications that the cancellation petitioner relies upon in support of the petition; and

''(4) the petitioner provides copies of those documents to the patent owner or, if applicable, the designated representative of the patent owner.

"§ 324. Prohibited filings

''A post-grant review proceeding may not be instituted under section 322 if the petition for cancellation requesting the proceeding identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under such section.

"§ 325. Submission of additional information; showing of sufficient grounds

''(a) IN GENERAL.—The cancellation petitioner shall file such additional information with respect to the petition as the Director may require. For each petition submitted under section 321, the Director shall determine if the written statement, and any evidence submitted with the request, establish that a substantial question of patentability exists for at least one claim in the patent. The Director may initiate a post-grant review proceeding if the Director determines that the information presented provides sufficient grounds to believe that there is a substantial question of patentability concerning one or more claims of the patent at issue.

''(b) NOTIFICATION; DETERMINATIONS NOT REVIEWABLE.—The Director shall notify the patent owner and each petitioner in writing of the Director's determination under subsection (a), including a determination to deny the petition. The Director shall make that determination in writing not later than 60 days after receiving the petition. Any determination made by the Director under subsection (a), including whether or not to institute a post-grant review proceeding or to deny the petition, shall not be reviewable.

"§ 326. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall prescribe regulations, in accordance with section 2(b)(2)—

''(1) establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

''(3) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

''(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

''(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

''(2) shall provide for discovery upon order of the Director;

''(3) shall provide for publication of notice in the Federal Register of the filing of a petition for post-grant review under this chapter, for publication of the petition, and documents, orders, and decisions relating to the petition, on the website of the Patent and Trademark Office, and for filings under seal exempt from publication requirements;

''(4) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(5) may provide for protective orders governing the exchange and submission of confidential information; and

''(6) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 329 is made available to the public as part of the prosecution history of the patent.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

"§ 327. Patent owner response

''After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

"§ 328. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

''(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

"§ 329. Amendment of the patent

''(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file one motion to amend the patent in one or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a substitute claim.

''(3) Amend the patent drawings or otherwise amend the patent other than the claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

"§ 330. Decision of the Board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 329.

"§ 331. Effect of decision

''(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefor, before a certificate under subsection (a) of this section is issued.

"§ 332. Settlement

''(a) IN GENERAL.—A post-grant review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Patent Trial and Appeal Board has issued a written decision before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this paragraph, no estoppel shall apply to that petitioner. If no petitioner remains in the proceeding, the panel of administrative patent judges assigned to the proceeding shall terminate the proceeding.

''(b) AGREEMENT IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in the agreement or understanding, that is made in connection with or in contemplation of the termination of a post-grant review proceeding, must be in writing. A post-grant review proceeding as between the parties to the agreement or understanding may not be terminated until a copy of the agreement or understanding, including any such collateral agreements, has been filed in the Office. If any party filing such an agreement or understanding requests, the agreement or understanding shall be kept separate from the file of the post-grant review proceeding, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

"§ 333. Relationship to other pending proceedings

''(a) IN GENERAL.—Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced before the effective date provided in section 3(k) of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

''(b) STAYS.—The Director may stay a post-grant review proceeding if a pending civil action for infringement addresses the same or substantially the same questions of patentability.

"§ 334. Effect of decisions rendered in civil action on post-grant review proceedings

''If a final decision is entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

''(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 321, which that party or the privies of that party raised or could have raised; and

''(2) the Director may not thereafter maintain a post-grant review proceeding that was requested, before the final decision was so entered, by that party or the privies of that party on the basis of such grounds.

''§ 335. Effect of final decision on future proceedings

''If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground that the cancellation petitioner raised during the post-grant review proceeding—

''(1) request or pursue a reexamination of such claim under chapter 31;

''(2) request or pursue a derivation proceeding with respect to such claim;

''(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim; or

''(4) assert the invalidity of any such claim in any civil action arising in whole or in part under section 1338 of title 28.

''§ 336. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.''.

(g) CONFORMING AMENDMENT.—The table of chapters for part III is amended by adding at the end the following:

''32. Post-Grant Review Proceedings ... 321''.

(h) REPEAL.—Section 4607 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is repealed.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments and repeal made by this section shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(2) APPLICABILITY TO EX PARTE AND INTER PARTES PROCEEDINGS.—Notwithstanding any other provision of law, sections 301 and 311 through 318 of title 35, United States Code, as amended by this section, shall apply to any patent that issues before, on, or after the effective date under paragraph (1) from an original application filed on any date.

(3) APPLICABILITY TO POST-GRANT PROCEEDINGS.—The amendments made by subsection (f) shall apply to patents issued on or after the effective date under paragraph (1).

(j) REGULATIONS.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (f) of this section.

(2) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences under title 35, United States Code, that are commenced before the effective date under subsection (i)(1) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a cancellation petition for a post-grant opposition proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 7. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 (as amended by this Act) is further amended by adding at the end the following:

''(k) The term 'cancellation petitioner' means the real party in interest requesting cancellation of any claim of a patent under chapter 32 of this title and the privies of the real party in interest.''.

(a) PATENT TRIAL AND APPEAL BOARD.—Section 6 is amended to read as follows:

''§ 6. Patent Trial and Appeal Board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

''(3) review appeals by patent owners and third-party requesters under section 315;

''(4) determine priority and patentability of invention in derivation proceedings under section 135(a); and

''(5) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

SEC. 8. STUDY AND REPORT ON REEXAMINATION PROCEEDINGS.

The Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office shall, not later than 2 years after the date of the enactment of this Act—

(1) conduct a study of the effectiveness and efficiency of the different forms of proceedings available under title 35, United States Code, for the reexamination of patents; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any of the Director's suggestions for amending the law, and any other recommendations the Director has with respect to patent reexamination proceedings.

SEC. 9. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

(a) PUBLICATION.—Section 122(b)(2) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking ''(A) An application'' and inserting ''An application''; and

(B) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively.

(b) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—Section 122 is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent, whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the submitter affirming that the submission was made in compliance with this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act; and

(2) shall apply to any application for patent filed before, on, or after the effective date under paragraph (1).

SEC. 10. TAX PLANNING METHODS NOT PATENTABLE.

(a) IN GENERAL.—Section 101 is amended—

(1) by striking ''Whoever'' and inserting ''(a) PATENTABLE INVENTIONS.—Whoever''; and

(2) by adding at the end the following:

''(b) TAX PLANNING METHODS.—

''(1) UNPATENTABLE SUBJECT MATTER.—A patent may not be obtained for a tax planning method.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'tax planning method' means a plan, strategy, technique, or scheme that is designed to reduce, minimize, or defer, or has, when implemented, the effect of reducing, minimizing, or deferring, a taxpayer's tax liability, but does not include the use of tax preparation software or other tools used solely to perform or model mathematical calculations or prepare tax or information returns;

''(B) the term 'taxpayer' means an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986) that is subject to taxation directly, is required to prepare a tax return or information statement to enable one or more other persons to determine their tax liability, or is otherwise subject to a tax law;

''(C) the terms 'tax', 'tax laws', 'tax liability', and 'taxation' refer to any Federal, State, county, city, municipality, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise; and

''(D) the term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) APPLICABILITY.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any application for patent or application for a reissue patent that is—

(A) filed on or after the date of the enactment of this Act; or

(B) filed before that date if a patent or reissue patent has not been issued pursuant to the application as of that date; and

(3) shall not be construed as validating any patent issued before the date of the enactment of this Act for an invention described in section 101(b) of title 35, United States Code, as amended by this section.

SEC. 11. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Notwithstanding section 1391 of this title, in any civil action arising under any Act of Congress relating to patents, a party shall not manufacture venue by assignment, incorporation, or otherwise to invoke the venue of a specific district court.

''(c) Notwithstanding section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or in the location or place in which the defendant is incorporated, or, for foreign corporations with a United States subsidiary, where the defendant's primary United States subsidiary has its principal place of business or in the location or place in which the defendants primary United States subsidiary is incorporated;

''(2) where the defendant has committed a substantial portion of the acts of infringement and has a regular and established physical facility that the defendant controls and that constitutes a substantial portion of the operations of the defendant;

''(3) where the primary plaintiff resides, if the primary plaintiff in the action is an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

''(4) where the plaintiff resides, if the plaintiff or a subsidiary of the plaintiff has an established physical facility in such district dedicated to research, development, or manufacturing that is operated by full-time employees of the plaintiff or such subsidiary, or if the sole plaintiff in the action is an individual inventor who is a natural person and who qualifies at the time such action is filed as a micro entity under section 124 of title 35.

''(d) If the plaintiff brings a civil action for patent infringement in a judicial district under subsection (c), the district court may transfer that action to any other district or division where—

''(1) the defendant has substantial evidence or witnesses; and

''(2) venue would be appropriate under section 1391 of this title, if such transfer would be appropriate under section 1404 of this title.''.

(b) INTERLOCUTORY APPEALS.—Subsection (c) of section 1292 of title 28, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree. The district court shall have discretion whether to approve the application and, if so, whether to stay proceedings in the district court during pendency of the appeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any action commenced on or after the date of the enactment of this Act.

SEC. 12. ADDITIONAL INFORMATION; INEQUITABLE CONDUCT AS DEFENSE TO INFRINGEMENT.

(a) DISCLOSURE REQUIREMENTS FOR APPLICANTS.—

(1) IN GENERAL.—Chapter 11 is amended by adding at the end the following new section:

''§ 123. Additional information

''(a) IN GENERAL.—The Director shall, by regulation, require that applicants submit a search report and other information and analysis relevant to patentability. An application shall be regarded as abandoned if the applicant fails to submit the required search report, information, and analysis in the manner and within the time period prescribed by the Director.

''(b) EXCEPTION FOR MICRO ENTITIES.—Applications from micro-entities shall not be subject to the requirements of regulations issued under subsection (a).

''§ 124. Micro entities

''(a) DEFINITION.—For purposes of this title, the term 'micro entity' means an applicant for patent who makes a certification under either subsection (b) or (c).

''(b) UNASSIGNED APPLICATION.—A certification under this subsection is a certification by each inventor named in the application that the inventor—

''(1) qualifies as a small entity as defined in regulations issued by the Director;

''(2) has not been named on five or more previously filed patent applications;

''(3) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or any other ownership interest in the application; and

''(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding 2.5 times the median household income, as reported by the Bureau of the Census, for the most recent calendar year preceding the calendar year in which the examination fee is being paid.

''(c) ASSIGNED APPLICATION.—A certification under this subsection is a certification by each inventor named in the application that the inventor—

''(1) qualifies as a small entity as defined in regulations issued by the Director and meets the requirements of subsection (b)(4);

''(2) has not been named on five or more previously filed patent applications; and

''(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application to an entity that has five or fewer employees and has a gross taxable income, as defined in section 61(a) of the Internal Revenue Code of 1986, that does not exceed 2.5 times the median household income, as reported by the Bureau of the Census, for the most recent calendar year preceding the calendar year in which the examination fee is being paid.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 is amended by adding at the end the following new items:

''123. Additional information.
''124. Micro entities.''.

(b) INEQUITABLE CONDUCT AS DEFENSE TO INFRINGEMENT.—Section 282 is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph—

(A) by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(B) by striking the comma at the end of each of paragraphs (1), (2), and (3) and inserting a period;

(3) in the third undesignated paragraph—

(A) by striking ''In actions'' and inserting ''(d) NOTICE OF ACTIONS; PLEADING.—In actions'';

(B) by inserting after the second sentence the following: ''In an action involving any allegation of inequitable conduct under subsection (c), the party asserting this defense or claim shall comply with the pleading requirements set forth in Rule 9(b) of the Federal Rules of Civil Procedure.''; and

(C) by striking ''Invalidity'' and inserting ''(e) EXTENSION OF PATENT TERM.—Invalidity''; and

(4) by inserting after subsection (b), as designated by paragraph (2) of this subsection, the following:

''(c) INEQUITABLE CONDUCT.—

''(1) DEFENSE.—A patent may be held to be unenforceable, or other remedy imposed under paragraph (3), for inequitable conduct only if it is established, by clear and convincing evidence, that—

''(A) the patentee, its agents, or another person with a duty of disclosure to the Office, with the intent to mislead or deceive the patent examiner, misrepresented or failed to disclose material information concerning a matter or proceeding before the Office; and

''(B) in the absence of such deception, the Office, acting reasonably, would, on the record before it, have made a prima facie finding of unpatentability.

''(2) INTENT.—In order to prove intent to mislead or deceive under paragraph (1), specific facts beyond materiality of the information submitted or not disclosed must be proven that support an inference of intent to mislead or deceive the Patent and Trademark Office. Facts support an inference of intent if they show circumstances that indicate conscious or deliberate behavior on the part of the patentee, its agents, or another person with a duty of disclosure to the Office, to not disclose material information or to submit materially false information.

''(3) REMEDY.—Upon a finding of inequitable conduct, the court shall balance the equities to determine which of the following remedies to impose:

''(A) Denying equitable relief to the patent holder and limiting the remedy for infringement to damages.

''(B) Holding the claims-in-suit, or the claims in which inequitable conduct occurred, unenforceable.

''(C) Holding the patent unenforceable.

''(D) Holding the claims of a related patent unenforceable.

''(4) ATTORNEY MISCONDUCT.—Upon a finding of inequitable conduct, if there is evidence that the conduct can be attributable to a person or persons authorized to practice before the Office, the court shall refer the matter to the Office for appropriate disciplinary action under section 32, and shall order the parties to preserve and make available to the Office any materials that may be relevant to the determination under section 32.''.

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by subsection (a)—

(A) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act; and

(B) shall apply to any application for patent filed on or after the effective date under subparagraph (A).

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 13. BEST MODE REQUIREMENT.

Section 282(b) (as designated by section 12(b) of this Act) is amended by striking paragraph (3) and inserting the following:

''(3) Invalidity of the patent or any claim in suit for failure to comply with—

''(A) any requirement of section 112 of this title, other than the requirement that the specification shall set forth the best mode contemplated by the inventor of carrying out his invention; or

''(B) any requirement of section 251 of this title.''.

SEC. 14. REGULATORY AUTHORITY.

(a) REGULATORY AUTHORITY.—Section 2(c) is amended by adding at the end the following:

''(6) The powers granted under paragraph (2) of subsection (b) include the authority to promulgate regulations to ensure the quality and timeliness of applications and their examination, including specifying circumstances under which an application for patent may claim the benefit under sections 120, 121 and 365(c) of the filing date of a prior filed application for patent.''.

(b) CLARIFICATION.—The amendment made by subsection (a) clarifies the scope of power granted to the United States Patent and Trademark

Office by paragraph (2) of section 2(b) of title 35, United States Code, as in effect since the enactment of Public Law 106–113.

SEC. 15. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph, by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 is amended—

(1) in the first paragraph, by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provisions'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(d) EFFECT OF REISSUE.—Section 253 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''In like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(e) CORRECTION OF NAMED INVENTOR.—Section 256 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 16. STUDY OF SPECIAL MASTERS IN PATENT CASES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall conduct a study of, and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on, the use of special masters in patent litigation who are appointed in accordance with Rule 53 of the Federal Rules of Civil Procedure.

(b) OBJECTIVE.—In conducting the study under subsection (a), the Director shall consider whether the use of special masters has been beneficial in patent litigation and what, if any, program should be undertaken to facilitate the use by the judiciary of special masters in patent litigation.

(c) FACTORS TO CONSIDER.—In conducting the study under subsection (a), the Director, in consultation with the Federal Judicial Center, shall consider—

(1) the basis upon which courts appoint special masters under Rule 53(b) of the Federal Rules of Civil Procedure;

(2) the frequency with which special masters have been used by the courts;

(3) the role and powers special masters are given by the courts;

(4) the subject matter at issue in cases that use special masters;

(5) the impact on court time and costs in cases where a special master is used as compared to cases where no special master is used;

(6) the legal and technical training and experience of special masters;

(7) whether the use of special masters has an impact on the reversal rate of district court decisions at the Court of Appeals for the Federal Circuit; and

(8) any other factors that the Director believes would assist in gauging the effectiveness of special masters in patent litigation.

SEC. 17. RULE OF CONSTRUCTION.

The enactment of section 102(b)(3) of title 35, United States Code, under section (3)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 3(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the Patent and Trademark Office.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–319. 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. CONYERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–319.

Mr. CONYERS. 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. CONYERS:

Page 3, strike lines 22 through 25.

Page 3, line 21, insert quotation marks and a second period after ''patent.''.

Page 10, strike line 24 and all that follows through page 11, line 2, and insert the following:

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135 is amended to read as follows:

''§ 135. Derivation proceedings''.

Page 11, lines 14 and 15, strike ''Any such request—'' and insert the following:

''(B) REQUIREMENTS FOR REQUEST.—Any request under subparagraph (A)—''.

Page 12, line 3, strike ''(B)'' and insert ''(C)''.

Page 12, line 8, strike ''under section 101''.

Page 13, line 16, strike the quotation marks and second period.

Page 13, insert the following after line 16:

''(b) SETTLEMENT.—Parties to a derivation proceeding may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

''(c) ARBITRATION.—Parties to a derivation proceeding, within such time as may be specified by the Director by regulation, may determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9 to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining patentability of the invention involved in the derivation proceeding.''.

Page 13, strike line 17 and all that follows through page 15, line 8.

Page 17, line 10, insert ''with respect to an application for patent filed'' after ''commenced''.

Page 17, lines 21 and 22, strike ''transmits to the Congress a finding'' and insert ''issues an Executive order containing the President's finding''.

Page 18, insert the following after line 23:

(3) RETENTION OF INTERFERENCE PROCEDURES WITH RESPECT TO APPLICATIONS FILED BEFORE EFFECTIVE DATE.—In the case of any application for patent that is filed before the effective date under paragraph (1)(A), the provisions of law repealed or amended by subsections (h), (i), and (j) shall apply to such application as such provisions of law were in effect on the day before such effective date.

Page 21, lines 24 and 25, strike ''is under an obligation of assignment of'' and insert ''has assigned rights in''.

Page 24, strike line 23 and all that follows through page 25, line 13 and redesignate the succeeding subsections accordingly.

Page 27, line 13, strike ''(5)'' and insert ''(4)''.

Page 27, line 21, strike ''The court'' and insert ''Upon a showing to the satisfaction of the court that a reasonable royalty should be based on a portion of the value of the infringing product or process, the court''.

Page 28, lines 5 and 6, strike ''Unless the claimant shows'' and insert ''Upon a showing to the satisfaction of the court''.

Page 28, line 9, strike ''may not'' and insert ''may''.

Page 28, strike line 12 and all that follows through page 29, line 2, and insert the following:

''(4) OTHER FACTORS.—If neither paragraph (2) or (3) is appropriate for determining a reasonable royalty, the court may consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.

''(5) COMBINATION INVENTIONS.—For purposes of paragraphs (2) and (3), in the case of a combination invention the elements of which are present individually in the prior art, the patentee may show that the contribution over the prior art may include the value of the additional function resulting

from the combination, as well as the enhanced value, if any, of some or all of the prior art elements resulting from the combination.'';

Page 31, line 17, strike ''The court's'' and all that follows through ''jury.'' on line 19.

Page 31, strike line 23 and all that follows through the matter following line 17 on page 33 and insert the following:

(b) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than June 30, 2009, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(1) A comparison between the patent laws of the United States and the laws of other industrialized countries, including the European Union, Japan, Canada, and Australia.

(2) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(3) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(4) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(5) An analysis of any legal or constitutional issues that arise from placing elements of trade secret law, in the form of prior user rights, in patent law.

In preparing the report, the Director shall consult with the Secretary of State and the Attorney General of the United States.

Page 33, line 18, strike ''(d)'' and insert ''(c)''.

Page 33, line 21, strike ''(e)'' and insert ''(d)''.

Page 36, lines 22 and 23, strike ''cited by or to the Office or''.

Page 39, line 10, strike ''grant of the patent or issuance of'' and insert ''issuance of the patent or''.

Page 39, strike line 21 and all that follows through page 40, line 2 and insert the following:

''(3) for each claim sought to be canceled, the petition sets forth in writing the basis for cancellation and provides the evidence in support thereof, including copies of patents and printed publications, or written testimony of a witness attested to under oath or declaration by the witness, or any other information that the Director may require by regulation.; and

Page 40, lines 3 and 4, strike ''those documents'' and insert ''the petition, including any evidence submitted with the petition and any other information submitted under paragraph (3),''.

Page 41, add the following after line 25:

In carrying out paragraph (3), the Director shall bear in mind that discovery must be in the interests of justice.

Page 44, lines 23 and 24, strike ''with respect to'' and insert ''addressing''.

Page 46, line 1, strike ''of administrative patent judges''.

Page 46, line 18, strike ''**pending**''.

Page 46, line 23, insert ''with respect to an application for patent filed'' after ''commenced''.

Page 47, line 5, insert ''of a patent'' after ''infringement''.

Page 47, line 7, insert after ''patentability'' the following: ''raised against the patent in a petition for post-grant review''.

Page 47, insert the following after line 7:

''(c) EFFECT OF COMMENCEMENT OF PROCEEDING.—The commencement of a post-grant review proceeding—

''(1) shall not limit in any way the right of the patent owner to commence an action for infringement of the patent; and

''(2) shall not be cited as evidence relating to the validity of any claim of the patent in any proceeding before a court or the International Trade Commission concerning the patent.

Page 48, line 14, strike ''or''.

Page 48, line 17, strike the period and insert ''; or''.

Page 48, insert the following after line 17:

''(5) assert the invalidity of any such claim in defense to an action brought under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Page 49, line 18, strike ''subsection (f)'' and insert ''subsections (f) and (g)''.

Page 49, strike lines 21 and 22 and insert the following:

(j) REGULATIONS.—The Under Secretary of

Page 49, lines 23 through 25, and page 50, lines 1 through 4, move the text 2 ems to the left.

Page 50, strike lines 5 through 15.

Page 51, lines 3 through 5, strike ''The Director, the Deputy, the Commissioner for Patents, and the Commissioner for Trademarks, and the'' and insert ''The''.

Page 51, line 9, strike ''Director'' and insert ''Secretary of Commerce''.

Page 54, line 18, strike ''and''.

Page 54, line 21, strike the 2 periods and quotation marks and insert ''; and''.

Page 54, insert the following after line 21:

''(D) identify the real party-in-interest making the submission.''.

Page 57, strike line 12 and all that follows through page 59, line 7, and insert the following:

''(b) In any civil action arising under any Act of Congress relating to patents, a party shall not manufacture venue by assignment, incorporation, joinder, or otherwise primarily to invoke the venue of a specific district court.

''(c) Notwithstanding section 1391 of this title, except as provided in paragraph (3) of this subsection, any civil action for patent infringement or any action for declaratory judgment relating to a patent may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or is incorporated, or, for foreign corporations with a United States subsidiary, where the defendant's primary United States subsidiary has its principal place of business or is incorporated;

''(2) where the defendant has committed a substantial portion of the acts of infringement and has a regular and established physical facility that the defendant controls and that constitutes a substantial portion of the defendant's operations;

''(3) for cases involving only foreign defendants with no United States subsidiary, according to section 1391(d) of this title;

''(4) where the plaintiff resides, if the plaintiff is—

''(A) an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. section 1001(a)); or

''(B) a nonprofit organization that—

''(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

''(ii) is exempt from taxation under section 501(a) of such Code; and

''(iii) serves primarily as the patent and licensing organization for an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

''(5) where the plaintiff or a subsidiary has a place of business that is engaged in substantial—

''(A) research and development,

''(B) manufacturing activities, or

''(C) management of research and development or manufacturing activities,

related to the patent or patents in dispute;

''(6) where the plaintiff resides if the plaintiff is named as inventor or co-inventor on the patent and has not assigned, granted, conveyed, or licensed, and is under no obligation to assign, grant, convey, or license, any rights in the patent or in enforcement of the patent, including the results of any such enforcement; or

''(7) where any of the defendants has substantial evidence and witnesses if there is no other district in which the action may be brought under this section.''.

Page 60, strike lines 1 through 3 and insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any civil action commenced on or after such date of enactment.

(2) PENDING CASES.—Any case commenced in a United States district court on or after September 7, 2007, in which venue is improper under section 1400 of title 28, United States Code, as amended by this section, shall be transferred pursuant to section 1404 of such title, unless—

(A) one or more substantive rulings on the merits, or other substantial litigation, has occurred; and

(B) the court finds that transfer would not serve the interests of justice.

Page 60, line 10, strike ''shall'' and insert ''may''.

Page 60, line 12, insert after ''patentability.'' the following: ''If the Director requires a search report to be submitted by applicants, and an applicant does not itself perform the search, the search must be performed by one or more individuals who are United States citizens or by a commercial entity that is organized under the laws of the United States or any State and employs United States citizens to perform such searches.''.

Page 60, line 14, strike ''the required search report, information, and'' and insert ''a search report, information, or an''.

Page 60, line 16, add after the period the following: ''Any search report required by the Director may not substitute in any way for a search by an examiner of the prior art during examination.''.

Page 63, strike line 19 and all that follows through line 15 on page 65 and insert the following:

''(1) DEFENSE.—One or more claims of a patent may be held to be unenforceable, or other remedy imposed under paragraph (4), for inequitable conduct only if it is established, by clear and convincing evidence, that a person with a duty of disclosure to the Office, with the intent to mislead or deceive the patent examiner, misrepresented or failed to disclose material information to the examiner during examination of the patent.

''(2) MATERIALITY.—

''(A) IN GENERAL.—Information is material under this section if—

''(i) a reasonable examiner would have made a prima facie finding of unpatentability, or maintained a finding of unpatentability, of one or more of the patent claims based on the information, and the information is not cumulative to information already of record or previously considered by the Office;or

''(ii) information that is otherwise material refutes or is inconsistent with a position the applicant takes in opposing a rejection of the claim or in asserting an argument of patentability.

''(B) PRIMA FACIE FINDING.—A prima facie finding of unpatentability under this section is shown if a reasonable examiner, based on

a preponderance of the evidence, would conclude that the claim is unpatentable based on the information misrepresented or not disclosed, when that information is considered alone or in conjunction with other information or record. In determining whether there is a prima facie finding of unpatentability, each term in the claim shall be given its broadest reasonable construction consistent with the specification, and rebuttal evidence shall not be considered.

''(3) INTENT.—To prove a person with a duty of disclosure to the Office intended to mislead or deceive the examiner under paragraph (1), specific facts beyond materiality of the information misrepresented or not disclosed must be proven that establish the intent of the person to mislead or deceive the examiner by the actions of the person. Facts support an intent to mislead or deceive if they show circumstances that indicate conscious or deliberate behavior on the part of the person to not disclose material information or to submit false material information in order to mislead or deceive the examiner. Circumstantial evidence may be used to prove that a person had the intent to mislead or deceive the examiner under paragraph (1).

''(4) REMEDY.—Upon a finding of inequitable conduct, the court shall balance the equities to determine which of the following remedies to impose:

''(A) Denying equitable relief to the patent holder and limiting the remedy for infringement to reasonable royalties.

''(B) Holding the claims-in-suit, or the claims in which inequitable conduct occurred, unenforceable.

''(C) Holding the patent unenforceable.

''(D) Holding the claims of a related patent unenforceable.

''(5) ATTORNEY MISCONDUCT.—Upon a finding of inequitable conduct, if there is evidence that the conduct is attributable to a person or persons authorized to practice before the Office, the court shall refer the matter to the Office for appropriate disciplinary action under section 32, and shall order the parties to preserve and make available to the Office any materials that may be relevant to the determination under section 32.''.

Page 69, line 17, strike ''180 days'' and insert ''1 year''.

Page 71, insert the following after line 6 and redesignate the succeeding section accordingly:

SEC. 17. STUDY ON WORKPLACE CONDITIONS.

The Comptroller General shall, not later than 2 years after the date of the enactment of this Act—

(1) conduct a study of workplace conditions for the examiner corps of the United States Patent and Trademark Office, including the effect, if any, of this Act and the amendments made by this Act on—

(A) recruitment, retention, and promotion of employees; and

(B) workload, quality assurance, and employee grievances; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any suggestions for improving workplace conditions, together with any other recommendations that the Comptroller General has with respect to patent reexamination proceedings.

Page 71, add the following after line 19:

SEC. 19. SEVERABILITY.

If any provision of this Act or of any amendment or repeals made by this Act, or the application of such a provision to any person or circumstance, is held to be invalid or unenforceable, the remainder of this Act and the amendments and repeals made by this Act, and the application of this Act and such amendments and repeals to any other person or circumstance, shall not be affected by such holding.

The Acting CHAIRMAN. Pursuant to House Resolution 636, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. CONYERS. Yes, of course.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROHRABACHER. Does the person who controls the time against the manager's amendment have to be against the manager's amendment?

The Acting CHAIRMAN. It is reserved for a Member in opposition to the amendment.

Mr. ROHRABACHER. Who controls the time in opposition?

The Acting CHAIRMAN. No one has claimed time in opposition to the amendment yet.

Mr. ROHRABACHER. I would suggest that whoever does control the time should be in opposition, and if Mr. SMITH, who I respect greatly, does not oppose the manager's amendment, he should not be in control of the debate against the manager's amendment, and I would note that there are others of us who would like to have that.

The Acting CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

I rise in support of the manager's amendment which is, of course, very bipartisan and which makes further changes to the underlying bill.

Now, this is a work in progress. The reason it came up so late in the afternoon yesterday in the Rules Committee is we were making changes to accommodate the minority side, and so even now the manager's amendment is a piece of work that will not be concluded until we come out of conference, and I'm sure Mr. BERMAN will have some comments to make about that.

I want anyone who has not seen the manager's amendment or wants to review it, even as it's discussed on the floor today, to please come to my seat, and I will be happy to provide them with a copy of it.

Well, what does it do? We deal with damages, the most controversial provision of the bill, with labor, with the universities, with inequitable conduct, and additional changes that will be made.

For workers and inventors, how do we help them? Well, there was concern that in our attempt to simplify the assignment procedures, we cut the inventor out of the process. We've ensured that changes to applications will require inventor involvement.

And also, there was a fear about working environment at the PTO. We inquired of the Government Accountability Office to conduct a study of examining work conditions.

And finally, the examiners themselves were concerned about the quality submission requirements, that their job would be outsourced. We ensured that that will not happen.

Now, damages. We made further changes to explain clearly that a portion that is not mandatory in the calculations of damages can be considered under a similar formula that courts use today.

Universities, we spent enormous time, and I have as many universities in Michigan as anybody has in any other State in the Union, and to address their concern, we spent unbelievable amounts of time negotiating with them individually and collectively about the expansion of prior user rights which might reduce the value of their patents and harm their ability to license invention.

We've eliminated the expansion. Instead, we're calling for a study of the operation of prior user rights in countries where they already exist to determine their effects.

It allows universities to sue in districts where they are located but does not extend that right to universities' associated nonprofit organizations.

We deal with inequitable conduct by tightening the standards for pleading and finding inequitable conduct as a defense to infringement.

We continue to operate in good faith with additional changes. We've adopted suggestions made by outside groups to improve our post-grant opposition provision, changed the discovery standard to interest of justice and ensured that a patent owner can bring a patent suit, even if a post-grant suit is instituted.

So we've addressed every concern that has been brought to our attention. No concern was too small or too technical, and we continue even now to listen to the parties in other ways to continue to enhance the bill.

So now is the time for patent reform.

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

Mr. ROHRABACHER. Mr. Chairman, I rise to claim the time in opposition to the manager's amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. ROHRABACHER. Mr. Chairman, I ask unanimous consent to yield 5 minutes of the 10 minutes in opposition to the gentlewoman from Ohio (Ms. KAPTUR) for her to control that time.

The Acting CHAIRMAN. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume. I thank the gentleman kindly for yielding me this time.

On the manager's amendment, you know what's really sad about this bill is that it is very complicated, and it's a work in progress as we sit here on the floor. It's too important for America and for the future of our industrial and economic base to be treated this way, and I know that the Chair of the subcommittee and the full committee are listening as I speak today. We shouldn't be drafting this in a manager's amendment on the floor.

There's been some inference that the AFL–CIO supports this bill. The AFL–CIO does not support this bill. They support the fact that it is being improved but they do not support the bill.

In addition to that, there's something very important I was not able to address earlier, and that is that this bill prematurely reveals inventors' secrets. In 1999, the Patent Act required the Patent Office to publish on the Internet a patent application 18 months from the date of filing, but the act also allowed inventors to opt out from that if they agreed not to file for patent in another nation. That's the so-called opt-out provision.

Now, between 20 and 33 percent of U.S.-origin patents opt out of the system. They're small people. They're trying to get the venture capital to start up their company and so forth, and the average time the Patent Office takes to process a patent is 31 months. Thus, all the secrets in all patent applications will be made available to every pirate in the world for more than a year before a small inventor, any inventor has a chance for patent protection.

Now, we're going to be told, well, Mr. ISSA's amendment will fix this. No, it will not, and we will argue against that a little bit more down the road.

Several speakers this morning, Mr. WELCH of Vermont and Mr. JOHNSON of Georgia, said, well, we need this reform because we haven't had patent reform since 1952. That's not true. There have been 17 amendments in major bills before this Congress that deal with patent reform in the last 15 years.

The problem with this bill is that it tries to harmonize to lower standards in the world rather than cause other countries to harmonize up to our standards. It takes away the right of first to invent, and it transfers it to first to file. That means an inventor who come here to the Patent Office here in the United States, no matter how small, and file a patent and got the right as an inventor first to invent could be superseded in the international market by someone who happened to catch that invention on the Internet or elsewhere and file it in China first. So it changes it from a first-to-invent to a first-to-file system. This is a substantial change from the system that has been in place in this country since the early 1700s.

You know what I said earlier what's going on here is the big proponents of this, the semiconductor companies, and Mr. EMANUEL read some of their names, have been fined substantially for patent infringement over the last several years, about $3.5 billion, and they're trying to get the law changed to make it easier for them. You know what, they have a right to exist. They have a right to function. The problem is they have been taken to court, and there are 15 standards the courts use to ascertain damages. They want to reduce it to one and make the 14 optional. You know what, the Federal judges are saying don't do that; we like the current system. It gives the courts the flexibility that they use.

Why should a few transnational corporations, sort of the big tech companies, have this much power in this Congress? Why don't we have the right of others to be heard here fully rather than having to condense such a serious debate into a few seconds here on the floor?

Why am I opposed to this bill? I'm opposed to this bill because it gives too much power to the big tech transnationals, and it takes away power from the universities that are opposed to this; although, some in California, where so many of these big tech companies are located, are happy. But come to Ohio, come to Wisconsin, come to New York. There are lots of universities that are opposed to this. So it's giving too much advantage to a few companies.

In addition to that, it totally turns upside down the first-to-invent system to a first-to-file system, and it would permit lots of infringements internationally.

It does eliminate the opt-out provision where, if a small inventor doesn't want their invention put up on the Internet, it takes away the opt-out provision from them. Mr. ISSA's amendment does not fix it. We want an opportunity to fix that, because we want to protect the third of inventors that do not file internationally, that do not want their patents put out there like that, and they are not the big companies. They're the smaller companies. And why force them to go into court? They don't have the money to defend themselves anyway.

There's broad-based opposition to this bill. There are lots of organizations, including the Institute of Electronic Engineers, Medical College of Wisconsin. There are many, many others, Cornell University, all opposed to this.

I thank the gentleman for yielding me the time and allowing me to broaden the record here in the very few short seconds we have been allowed.

□ 1345

Mr. CONYERS. I can't help but take 6 seconds in rebuttal.

The universities support this measure. Small inventors support this measure. This bill is to create jobs in America. How could anybody think that I would be supporting a bill that didn't do this in patent law reform?

I yield 2 minutes to the ranking member of the Judiciary Committee, Mr. LAMAR SMITH.

Mr. SMITH of Texas. I want to thank the chairman of the Judiciary Committee for yielding me time.

Mr. Chairman, I want to be unequivocal, first of all, in saying that I support this manager's amendment.

I yield to my friend from California (Mr. HERGER) for purposes of a colloquy.

Mr. HERGER. I would like to thank the ranking member for engaging in this colloquy.

As you know, the manager's amendment was released yesterday afternoon, and it contains language concerning section 337 proceedings before the U.S. International Trade Commission.

However, this language was not considered by the Committee on Ways and Means, even though it is squarely in our jurisdiction. I am aware that Chairman RANGEL and Chairman CONYERS have exchanged letters in which Chairman CONYERS has acknowledged that this issue is within the jurisdiction of the Ways and Means committee. I will support a request for conferees to be named from the Ways and Means committee.

As you know, section 337 proceedings are very complex, and we must ensure that the full ramifications of this language are clearly understood.

As ranking member of the Ways and Means Trade Subcommittee, I hope that you would agree with me that these provisions warrant further analysis and ask that you would work with me and other members of the committee in conference to ensure that these provisions are thoroughly understood as the bill moves through the legislative process.

Mr. SMITH of Texas. Mr. Chairman, I want to thank my friend from California for pointing these provisions out, and I certainly do agree with them, and we will work towards that goal.

Mr. CONYERS. Would the ranking member yield to me?

Mr. SMITH of Texas. I yield to the chairman of the committee.

Mr. CONYERS. Thank you. I want to assure the gentleman.

Mr. Chairman, I would submit for the RECORD a letter dated September 7, 2007, between myself and the chairman of Ways and Means, CHARLES RANGEL.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 7, 2007.

Hon. JOHN CONYERS, Jr.,
Chairman, Judiciary Committee,
Washington, DC.

DEAR JOHN: I am writing regarding H.R. 1908, the Patent Reform Act of 2007. During consideration of the bill by the Rules Committee, a manager's amendment was made in order that includes provisions affecting section 337 of the Tariff Act of 1930.

As you know, section 337 falls within the jurisdiction of the Committee on Ways and Means. The Ways and Means Committee has jurisdiction over all issues concerning import trade matters.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill, and will not oppose the inclusion of this provision relating to

section 337 of the Tariff Act within H.R. 1908. This is being done with the understanding that it does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1908, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 7, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 1908, the Patent Reform Act of 2007.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

I completely agree that it was totally inadvertent, and we want the Ways and Means Committee to assert, and we will help them assert, their full rights in terms of jurisdiction in this matter. I thank him for bringing it to our attention.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, while I was in the Rules Committee yesterday, the gentleman from California said with regard to the types of damages and the standard for damages that could be used that the judge would have the discretion to determine that.

Well, taking a look at the manager's amendment. That discretion has been taken away, and now there is a presumption in favor of the most onerous provision dealing with damages, and that really would impact the small inventor.

Let's take a look at what would happen with the majority's view on patent damage reform. The Wright brothers' airplane, here is the patent, I have got a picture of it right here.

The flying machine, if it had been patented today, or, no, if the rules that the majority is suggesting now were in effect at the time that the Wright brothers got their patent, the amount that they recovered would have been limited to the fractional value of the surface controls alone, that's it, even though everything else went on what was called an airplane, but the thing never flew.

That's what this does to innovation. If you want to get something for your trim tab and your ailerons and whatever else they put on an aircraft, that's fine.

But this is an example, nobody else in the entire debate has given one example except me. This is the only opportunity that the people opposed to this bill have had to talk about the actual impact of the law upon a factual situation.

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

Mr. MANZULLO. I yield 20 seconds to the gentleman from California.

Mr. BERMAN. Under the entire market value rule, which is in this bill, the Wright brothers, every value of what was created was those surface controls.

Mr. MANZULLO. But under your manager's amendment, the judge would have to say that that does not apply.

Mr. ROHRABACHER. How much time do I have left?

The Acting CHAIRMAN. The gentleman from California has 3 minutes remaining.

Mr. ROHRABACHER. And the time on the other side?

The Acting CHAIRMAN. The gentleman from Michigan has 2¼ minutes remaining.

Mr. ROHRABACHER. I yield myself 3 minutes.

Let's just note when we are talking, Ms. KAPTUR and Mr. MANZULLO talk about one of the horrible provisions of the bill, which changes the whole concept of how damages are assessed, and who has benefited by this.

We have to ask ourselves, we talk about the Wright brothers, the little guys who actually made all the difference in whether or not America has a high standard of living, the damages that these inventors have when people violate their rights and how those damages are assessed. That's right in this legislation.

Yes, they are changing it to the benefit of the infringers. They are beating down the little guys, making it more difficult for the Wright brothers and for all the other little guys who have come up with these ideas in order to help the big corporations.

By the way, let me just add this thought: we are not just talking about American corporations here. We are not talking about making inventors just vulnerable to the big American corporations. We are talking about multinational corporations, and we are talking about foreign corporations.

Our little guys, with just this change, are going to be dramatically damaged. Their ability, in order to protect their rights, will be dramatically reduced.

This is just one example of the type of diminishing of the rights of the inventor in this bill. Yet, we aren't able to discuss it fully. One hour of debate for a bill that's being described here as one of the most important pieces of legislation in the century? One hour of debate in which the opposition was not given a chance to control any time in opposition? This is a disgrace. What's going on?

This alone should raise the red flag to all of our Members saying something is going on here; there is a power play people in our legislation aren't being able to control their time. What's happening here? We have a manager's amendment now that was permitted to be changed after it left committee. There wasn't even a proper debate on this bill then and this manager's amendment in the committee, much less the subcommittee.

So what we have here is a power play by somebody. The rules don't count when it comes to the bill, because somebody out there really wants it really bad in order to not give us a chance to give the other side, not give the full committee a chance even to discuss these details that are changed in the manager's amendment, not to let the subcommittee play its role.

Now, all I am suggesting is this should raise a red flag for all of our Members. All of us should be aware that when these types of shenanigans are being played, something is going on, that the legislation that's being pushed through probably is not good legislation, but, instead, helps a small group of powerful people.

Mr. CONYERS. How much time remains?

The Acting CHAIRMAN. The gentleman from Michigan has 2¼ minutes remaining.

The gentleman from California, his time has expired.

Mr. CONYERS. I yield myself 6 seconds before I yield the rest of the time to Mr. BERMAN.

This is curious, here I am a son of Labor, out of Labor, represents Labor all my life, being told publicly that I don't represent the little guy from people whose connection with working people in collective bargaining movements is unknown.

With that, I yield to my dear friend, Mr. BERMAN, for the remainder of our time.

Mr. BERMAN. I thank the gentleman for yielding, and I would like to yield to the gentleman from Oregon for purposes of a colloquy.

Mr. WU. I thank the chairman.

As both Chairman CONYERS and Chairman BERMAN are aware, the version of the legislation in the other body contains a section that ends the diversion of fees from the Patent and Trademark Office.

Absent a compelling consideration, would the chairman be amenable to working to keep that provision in conference?

Mr. BERMAN. That is a provision that I have supported, it is legislation I have introduced, it embodies and enacts a philosophy I completely agree with. All PTO fees should be kept within the PTO office to reduce backlogs, to hire qualified people, and to come to better operations of that critical office.

Mr. WU. I thank the chairman.

Mr. BERMAN. The chairman of the committee obviously will be a key

member of the conference committee and indicates that he feels the same way.

Reclaiming my time, I just want to make a couple of points.

First, I have never said, quote, Labor supports this bill. What I said was Labor thinks a number of improvements have been made, particularly in this manager's amendment. There are other issues that concern them, that they believe we are moving in the right direction, and that they have no opposition to the passage of this bill, understanding they have other concerns that want to be addressed.

The same applies for a number of pharmaceutical companies. The major institution, and they are not small guys, Mr. ROHRABACHER. Opposition to this, concerns about this bill, come from large and important—

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. ISSA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–319.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ISSA:

Page 53, strike lines 9 through 15 and insert the following:

(a) PUBLICATION.—Section 122(b)(2)(B)(i) is amended by striking ''published as provided in paragraph (1).'' and inserting the following: ''published until the later of—

''(I) three months after a second action is taken pursuant to section 132 on the application, of which notice has been given or mailed to the applicant; or

''(II) the date specified in paragraph (1).''.

The Acting CHAIRMAN. Pursuant to House Resolution 636, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chairman, I rise in support of this amendment.

In short, this amendment simply seeks to maintain our historic and important American-only right for an inventor who was denied a patent to keep that patent a secret.

Additionally, it allows sufficient time in the process for a patent holder to know that his patent, his or her patent, either will or will not likely be granted significant claims.

For that reason, we struck a balance between the rest of the world that recognizes that patents are normally published after 18 months. We said, no, it will be the greater of the second office action, which can be anywhere from 3 to 5 years or 18 months, and we did so because we believe somebody should know when they receive significant claims or not before they are forced to decide whether or not to retain a trade secret.

It's an important issue; it's one that I believe will allow us a final and lasting way for a secret to be balanced with the interest to not have submarine patents and unknown information.

I yield to the chairman of the full committee.

Mr. CONYERS. We have reviewed the amendment. It's an important contribution. We are prepared to accept the amendment.

Mr. ISSA. I yield to the chairman of the subcommittee.

Mr. BERMAN. I thank the gentleman, I also agree with the amendment. I would like to use the time, if you would allow me to finish the sentence, which is with respect to these important companies, that, in the biotechnology and pharmaceutical field, I just want to repeat, a number of things they want, first-inventor-to-file, not first-to-file, first-inventor-to-file, repeal of the best-mode defense, reform of the inequitable-conduct defense, are in this bill, and we intend to work with them on the damages issue between now and a final conference report to try to come to a better understanding on that very important, but very complicated, field.

□ 1400

Mr. ISSA. I yield to the ranking member of the full committee.

Mr. SMITH of Texas. I thank my friend from California for yielding. I certainly endorse his amendment and thank him for offering it.

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

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

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

Mr. ROHRABACHER. First and foremost, let us note that over and over again we hear, well, they are not opposing the bill. Well, the labor unions and others, many of them are opposing the bill. But the ones you're describing, you're just saying they aren't necessarily supporting the bill. What we are saying, they are not supporting the bill. This has been reconfirmed by what my colleagues have said in the last 10 minutes.

Also, let us note, over and over again we hear, we're going to work this out. We're going to work all these things out in the bill as it moves through the process, which means to all of us there are major flaws in this bill, huge flaws in this bill, and we have to take it just on faith that they're going to work out all these flaws as it goes through the process.

I would suggest that we take this, we vote ''no'' on this bill, and then let's correct those flaws and come back to the floor when you've got a bill that isn't flawed. Let's go back to the floor when you can support a bill with an honest debate and not be so afraid of a debate that you'll neuter the chances and mute our opposition voices by giving us almost no time to discuss the issues.

I would yield to my friend, Ms. KAPTUR.

Ms. KAPTUR. Mr. Chairman, I just want to place on the record that Issa's amendment, Issa's choice, is would you rather have the inventor shot with a pistol or a rifle? In either case, he or she ends up dead.

Now, why is that? Because the 1999 Patent Act required the Patent Office to publish on the Internet a patent application 18 months from the date of filing. But the issue really is, it takes an average of 31 months for patent review. Mr. ISSA, I think, brings it up to 24 months. Thus, what happens is there's a gap between when it's filed and when it's approved, and you have to go up on the Internet. Under current law, you can opt out of that so you can protect your invention and not have some pirate in China or Japan or somewhere else take it from you. That is not in this bill.

The elimination of the opt-out provision is a terrible, terrible omission and a major change from existing law, and the Issa amendment does not make it better.

Mr. ROHRABACHER. Reclaiming my time, Ms. KAPTUR has made a really important observation here, and that is, at the end of the day, yeah, the Issa amendment does make some changes, but at the end of the day, there will be American patent applications in which the inventor would like to keep secret until he gets the patent issued to him, which will be published for all of the thieves in China and India and Japan and Korea and elsewhere who would like to have all of that information before the patent is issued. There will still be a significant number of patent applications published for the whole world to see, and the patent applicant doesn't want that.

Ms. KAPTUR. Will the gentleman yield further?

Mr. ROHRABACHER. I certainly will.

Ms. KAPTUR. I just would point out, in the area of biology and microbiology, the average amount of time for patent approval is over 40 months. So, in other words, your invention is out there, and you have no way to protect it globally.

Mr. ROHRABACHER. So in the end, where Mr. ISSA's amendment does take things one or two steps forward, the fact is it doesn't come anywhere close to offering the protection that currently exists in the law that is being destroyed by the language in the Steal American Technologies Act, H.R. 1908.

Let me just note, for my own situation, in terms of the chairman asking

me about my credentials in terms of being associated with labor, I was a member of a labor union. I actually scrubbed toilets at times in my life. I have had menial jobs. I care about the working people. My family comes from working class farmers, poor farmers and people who went off to defend this country.

The American people, the standard of living of ordinary people depends on technology. This bill that's being proposed will give our technological secrets to our competitors which undermines the working people's chances here of competing with cheap labor overseas.

Ms. KAPTUR. Will the gentleman yield on that?

Mr. ROHRABACHER. I certainly will.

Ms. KAPTUR. I would like to defend your labor credentials. You voted against NAFTA on this floor. You were a leader on your side of the aisle. That vote was proven to be right.

What this is going to do, this is going to ''NAFTAtize'' the patent system and allow China to infringe on more of our inventions. We should not permit this to happen. We should be allowed to fully debate this for the people of this country.

Two-thirds of the value of companies, up to 80 percent of our industrial companies value, relate to their patents, and we should be given more respect. We should give our constituents more respect than compressing this debate into such a narrow time slot.

Mr. ROHRABACHER. If this bill passes, those people who will be our competitors overseas, even if Mr. ISSA's amendment passes, they will have our secrets before the patent is issued and be outcompeting us with our own technologies.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to direct their comments to the Chair.

Mr. CONYERS. Could the gentleman from California (Mr. ISSA) yield briefly?

Mr. ISSA. I would yield to the full committee chairman.

Mr. CONYERS. I'm glad we've all proved our working class credentials in support of working people, and I'm very impressed, if not surprised. And so I want to describe this debate that's currently going on on this second provision.

Here is the one man in Congress with more patents as a small-time inventor than anybody in the House and the Senate being explained to why this is contrary to the interests of small-time inventors. Very interesting.

Mr. ISSA. Reclaiming my time, I yield myself such time as I may consume.

I guess as a machinist union worker and a mechanic, I'll get that out there so that I get my claim to union membership and to having gotten a lot of grease under fingernails, for Ms. KAPTUR's understanding, because I think what she brought up is crucial, and full understanding is essential as to this amendment.

This amendment, if it takes 10 years to get a second office action, will give the inventor 10 years of no one else seeing it. It is an infinite period of time, subject to the 20-year expiration. It is, in fact, an infinite period of time. And as an inventor, I chose the second office action, even though small inventors had said the first office action was good enough, because I was aware that the first office action is most often a rejection over which you overcome most of the objections. The second rejection, if there is one, they usually accept some, and if they give you a rejection, you usually don't overcome them, and the venture community, if you've had a second rejection, tends to discount potential additional claims. So that's the reason I chose those because, in fact, it gives you unlimited time to pursue your patent up to and through a second and, usually, final rejection.

Ms. KAPTUR. Would the gentleman kindly yield to me?

Mr. ISSA. I would be glad to yield to the gentlelady.

Ms. KAPTUR. Does your amendment preserve the opt-out provision of existing law?

Mr. ISSA. It does. Under this provision, if you receive your second and usually final rejection and you say, okay, I'm going to take my, within 90 days, I'm going to discard my patent, that wrapper is not available to anyone. It remains a secret and you're allowed to keep your trade secrets.

Ms. KAPTUR. And how many months or years do you have to wait before you get that opt-out provision? Can you do it immediately?

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from California (Mr. ISSA).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. ISSA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–319.

Mr. ISSA. 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. ISSA

Page 67, insert the following after line 7:

(c) EFFECTIVE DATE OF REGULATIONS.—

(1) REVIEW BY CONGRESS.—A regulation promulgated by the United States Patent and Trademark Office under section 2(b)(2) of title 35, United States Code, with respect to any matter described in section 2(c)(6) of such title, as added by subsection (a) of this section, may not take effect before the end of a period of 60 days beginning on the date on which the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office submits to each House of Congress a copy of the regulation, together with a report containing the reasons for its adoption. The regulation and report so submitted shall be referred to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(2) JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval with respect to the regulation is enacted into law, the regulation shall not become effective or continue in effect.

(3) JOINT RESOLUTION DEFINED.—For purposes of this subsection, the term a ''joint resolution of disapproval'' means a joint resolution, the matter after the resolving clause of which is as follows: ''That Congress disapproves the regulation submitted by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office on _____ relating to _____, and such regulation shall have no force or effect.'', with the first space being filled with the appropriate date, and the second space being filled with a description of the regulation at issue.

(4) REFERRAL.—A joint resolution of disapproval shall be referred in the House of Representatives to the Committee on the Judiciary and in the Senate to the Committee on the Judiciary.

(5) FLOOR CONSIDERATION.—A vote on final passage of a joint resolution of disapproval shall be taken in each House on or before the close of the 15th day after the bill or resolution is reported by the committee of that House to which it was referred or after such committee has been discharged from further consideration of the joint resolution of disapproval.

(6) NO INFERENCES.—If the Congress does not enact a joint resolution of disapproval, no court or agency may infer therefrom any intent of the Congress with regard to such regulation or action.

(7) CALCULATION OF DAYS.—The 60-day period referred to in paragraph (1) and the 15-day period referred to in paragraph (5) shall be computed by excluding—

(A) the days on which either House of Congress is not in session because of an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(8) RULEMAKING AUTHORITY.—This subsection is enacted by the Congress as an exercise of the rulemaking power of the Senate and House of Representatives respectively, and as such it is deemed a part of the rules of each House, respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 636, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chairman, I'll briefly explain the amendment. Almost every single agency of the Federal Government has rule-making authority. But, quite frankly, rules are, in fact, laws made by agencies. So when the Patent and Trademark Office repeatedly has asked us for rule-making authority, it has been a long process to figure out the best way to allow them to make rules but to retain our genuine constitutional obligation over the effects

of those laws. So, in doing so, what we did was we crafted a constitutional review. We're not allowed to veto these agencies, but we are allowed to overrule them. And in doing so, what we have decided to do is to allow any Member of the House or the Senate to bring a motion in opposition to any rule produced or proposed by the Patent and Trademark Office, and we will, in fact, within 60 days, hear that rule, that opposition and make a decision. This is designed specifically to stop any overreaching under this underlying bill from potentially causing things which we would not have legislated to, in fact, be legislated, while recognizing that we want the Patent and Trademark Office to have the ability to move swiftly and accurately to the conclusion of patents on behalf of our economy.

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

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

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

Mr. ROHRABACHER. This is yet another example of why this overall bill should be defeated. The fact is that we shouldn't be changing the provision and permitting outside agencies and taking authority away from us from setting the basic ground rules about patents in the first place. This idea that, well, let me put it this way. This bill is so filled with this type of imperfection, and as we have had our guarantee from those people who brought this bill to the floor so precipitously, they will work really hard to make sure all the flaws are out. I would suggest that that statement alone should have all these red flags going up for all of us. And then the muting of the opposition and not permitting us an adequate amount of time to actually discuss the provisions of the bill and not giving us time to control our own opposition, again, should be the red flags for all of us who's listening to this debate.

I yield 1½ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I appreciate so much my friend from California. And, in fact, I like Mr. ISSA so much, I want more people like DARRELL ISSA. I want more people to have the opportunity to create patents, to use ingenuity, to do well based on their thought processes. And I'm afraid now this bill will prevent us from having the opportunity to have more DARRELL ISSAS.

The amendment works on one of the problems, well, gee, we'll look at the regulations. But, my goodness, this is a comprehensive bill. We keep hearing, you know, we need comprehensive bills. And red flags went up in my mind. And where have I heard that? Oh, yes, on immigration reform. We had to have a comprehensive bill because there were some things that needed to be passed, some people thought, that they knew could not pass if they had the bright enough light of day shown on them, and so we have a comprehensive bill to put some things in there that do more damage than good.

We need more time to look at these provisions so that we can ensure that there are more DARRELL ISSAS that get to have the same opportunities to do as well and make us as proud as our good friend from California.

Mr. ROHRABACHER. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from California has 2½ minutes remaining.

The other gentleman from California has 3½ minutes remaining.

Mr. ROHRABACHER. I yield 1 minute to Ms. KAPTUR.

Ms. KAPTUR. Mr. Chairman, I just wanted to place on the record opposition to Mr. ISSA's amendment to try to politicize decision making that is done by professionals over at the Patent Office. But in doing so, also to place on the record who's financing the expensive lobbying campaign on behalf of the bill that is before us today. They are a coalition of companies including transnational corporations: Adobe, Microsoft, Cisco, Intel, eBay, Lenovo, Dell and Oracle.

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During the period of 1993–2005, four of them alone paid out more than $3.5 billion in patent settlements. And in the same period, their combined revenues were over $1.4 trillion, making their patent settlements only about one-quarter of 1 percent of those revenues. Now they wish to reduce even those costs, not by changing their obviously unfair and often illegal business practices, but by persuading Congress and also the Supreme Court to weaken U.S. patent protections.

We ought to stand up for American inventors. We should not allow this bill to go forward. It should have sunlight. I know my colleagues are doing the best they can, but they can surely do better than this.

Mr. ISSA. Mr. Chairman, I am proud to yield 1 minute to the chairman of the full committee, Mr. CONYERS.

Mr. CONYERS. Ladies and gentlemen, I keep noticing that the opponents to the bill, opponents to the rule, opponents to the manager's amendment, opponents to the amendments to include it in this are all opposed to everything, anything. And I am glad these great sons of Labor, like the gentleman from California who knows his voting record on Labor and so, unfortunately, do I, recognize how he is supporting the working people and the person who has invented more inventions than all of us put together is opposing the small inventors. What a debate this is.

I just rise to let you know, sir, that on this side of the aisle, we are proud to support this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

Mr. Acting CHAIRMAN. All Members are reminded to address their comments to the Chair.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Let me just note I think it is really much more important to talk about provisions of the bill rather than trying to point out things about each other, and that is one of the reasons we needed more time in this debate so that we could actually get into the provisions of this bill.

The fact that no matter what happens with Mr. ISSA's first amendment, that still there will be patent applications that will be published for the world to see even before the patent is issued; that our overseas competitors will then have information that they will be able to use to outcompete us even before our patents are issued to those inventors who have applied for patents. Those are the issues we need to talk about.

We need to talk about why the assessment of damages has been changed in a way that helps these big guys, these big companies that Ms. KAPTUR has just outlined, as well as the foreign corporations, I might add, at the expense of the small inventor. The inventor is just trying to prevent theft of his lifetime of work. We have to know why we have had different ways of determining the validity of a patent and opening up challenges in the front of the patent as well as afterwards so that we add cost after cost after cost to the little guy.

We need to discuss these things in detail. Instead we have 1 hour in which the opposition, I think, had 12 minutes in order to discuss these issues. This should raise a flag to everyone listening to this debate. Why is Congress trying to stampede the rest of the Members of Congress into voting for an act that could be so damaging to the American people?

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Both of my amendments are intended to improve this bill. I don't stand before the Committee of the Whole to say that this bill will become perfect. As a matter of fact, in the general debate, I named companies like BIOCOM and GenProbe and Invitrogen, who are part of UCSD CONNECT, who have specific areas we are including in the material that they want continued work done on. They are, in fact, dissatisfied with the bill because it hasn't done everything it could do. But this amendment on rulemaking which would stop an arbitrary decision by the Patent Office on something it may want to do such as eliminate continuations, et cetera, is there for a reason. And I would hope that people who are going to perhaps oppose the bill as not yet good enough would recognize that it is crucial for this amendment to get into it if we are going to protect against arbitrary action by the Patent and Trademark Office.

And last but not least, Ms. KAPTUR was kind enough to ask one more question during the previous amendment that couldn't be answered, and I just want to make it clear on the previous amendment, you will be able to keep your secret through an unlimited period of debate back and forth with the Patent Office up to two full rejections and then 90 days in which to close. And I would hope the gentlewoman would recognize that that is an improvement even if nothing is perfect.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for yielding.

As I said with ISSA's choice, it is either being shot with a pistol or a rifle. It does not guarantee that once the patent is granted that that person can keep their intellectual property, can opt out and not have it published for that 18-month period. So we are taking away that intellectual property protection.

Mr. ISSA. Reclaiming my time, Mr. Chairman, under the current law when your patent claims are granted, you have an obligation to make available to the world and to people of ordinary skill in the art how to knock off your product. That's current law. That has been around since the founding. The deal between the Patent Office, the American people, if you will, and the inventor is that you have disclosed to the world if you are given those claims for a limited period of time. We are not changing that in 200 years. We are protecting your right if you are not granted a patent. That is what current law does; that is what this amendment does.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–319.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill insert the following new section:

SEC. 18. STUDY ON PATENT DAMAGES.

(a) IN GENERAL.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this section referred to as the ''Director'') shall conduct a study of patent damage awards in cases where such awards have been based on a reasonable royalty under section 284 of title 35, United States Code. The study should, at a minimum, consider cases from 1990 to the present.

(b) CONDUCT.—In conducting the study under subsection (a), the Director shall investigate, at a minimum, the following:

(1) Whether the mean or median dollar amount of reasonable-royalty-based patent damages awarded by courts or juries, as the case may be, has significantly increased on a per case basis during the period covered by the study, taking into consideration adjustments for inflation and other relevant economic factors.

(2) Whether there has been a pattern of excessive and inequitable reasonable-royalty-based damages during the period covered by the study and, if so, any contributing factors, including, for example, evidence that Federal courts have routinely and inappropriately broadened the scope of the ''entire market value rule'', or that juries have routinely misapplied the entire market value rule to the facts at issue.

(3) To the extent that a pattern of excessive and inequitable damage awards exists, measures that could guard against such inappropriate awards without unduly prejudicing the rights and remedies of patent holders or significantly increasing litigation costs, including legislative reforms or improved model jury instructions.

(4) To the extent that a pattern of excessive and inequitable damage awards exists, whether legislative proposals that would mandate, or create a presumption in favor of, apportionment of reasonable-royalty-based patent damages would effectively guard against such inappropriate awards without unduly prejudicing the rights and remedies of patent holders or significantly increasing litigation costs.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Congress a report on the study conducted under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 636, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I started out in this debate to say that we worked very hard for a long period of time to be able to look at the small and the big, the big inventor and the little man inventor. All of them have been great to America, and we have benefited from their inventions and their intellect.

This patent bill preserves the intellectual property, the art, the invention, the minds of America. And it does, in fact, protect us against those who would undermine this very viable economic engine, and that is our mind, our talent.

But I believe that all voices should be heard. And throughout this whole process there is probably no one who focused on the damages issue as much as I did, the proportionality issue. And I worked with Mr. BERMAN and Mr. CONYERS and our bipartisan friends.

So this gives us an opportunity, and my amendment is very simple. And it doesn't wait 7 years or 10 years to give us answers. It's 1 year. It provides us with the opportunity in this landmark legislation to study the patent damage awards in cases where such awards have been based on a reasonable royalty under section 84 of title 35 of the United States Code. The study should at a minimum consider cases from 1990 to the present. It has a very detailed analysis, and what that will do is it will find its way to this Congress and we will have a better way of assessing the impact.

We are concerned. Proportionality is an issue. But we are not ignoring your concerns, and this particular study helps to bring us along.

Let me just quickly suggest the entities that will be impacted in a positive way: the American Intellectual Property Law Association, a number of universities that will be impacted from the University of Illinois to Massachusetts to the University of Iowa, Maryland, Michigan, Minnesota, New Hampshire, North Carolina, Texas A&M. Small inventors will be impacted by this study because it will give us more information.

I would ask my colleagues to support this amendment.

Thank you, Mr. Chairman for affording me this opportunity to explain my amendment to H.R. 1908, the ''Patent Reform Act of 2007.'' Let me also thank the distinguished Chairman of the Judiciary Committee, Mr. CONYERS, and the Ranking Member, Mr. SMITH, for the example of bipartisan leadership coming together to address the real problems of the American people and the economy.

I especially wish to thank Mr. BERMAN and Mr. COBLE, the chair and ranking member of the Judiciary Subcommittee on Courts, Intellectual Property, and the Internet for their hard work, perseverance, and visionary leadership in producing landmark legislation that should ensure that the American patent system remains the envy of the world. I am proud to have joined with all of them as original cosponsor of H.R. 1908, the Patent Reform Act of 2007.

On behalf of the small business enterprises, technology firms, and academics I am privileged to represent, I want to publicly thank them for working with me on two other amendments to the bill offered by me which were adopted during the full committee markup.

Mr. Chairman, my amendment is a simple but important addition to this landmark legislation, which I believe can be supported by every member of this body. My amendment calls for a study of patent damage awards in cases where such awards have been based on a reasonable royalty under Section 284 of Title 35 of the United States Code. The study should, at a minimum, consider cases from 1990 to the present. The results of this study shall be reported to the House and Senate Judiciary Committees.

I have attached to my statement a partial listing of groups, organizations, institutions, and industries that will benefit from the study called for in my amendment.

Mr. Chairman, Article I, Section 8, clause 8 of the Constitution confers upon the Congress the power: ''To promote the Progress of

Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.''

In order to fulfill the Constitution's mandate, we must examine the patent system periodically to determine whether there may be flaws in its operation that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of meaningful alternatives to the patent litigation process.

On the other hand, we must be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property.

Chairman BERMAN is to be commended for his yeoman efforts in seeking to broker a consensus on the subject of damages and royalty payments, which is covered in Section 5 of the bill. But as all have learned by now, this is an exceedingly complex issue. The complexity stems not from the unwillingness of competing interests to find common ground but from the interactive effects of patent litigation reform on the royalty negotiation process and the future of innovation.

Important innovations come from universities, medical centers, and smaller companies that develop commercial applications from their basic research. These innovators must rely upon the licensing process to monetize their ideas and inventions. Thus, it is very important that we take care not to harm this incubator of tomorrow's technological breakthroughs. It is for that reason that we need to study whether patent damage awards in cases where such awards have been based on a reasonable royalty under 35 U.S.C. 284 have and are hindering technological innovation.

And it is important to emphasize Mr. Chairman, that this evaluation will be based on empirical data rigorously analyzed.

Among the matters to be studied and reviewed are the following: Whether the mean or median dollar amount of reasonably royalty-based patent damages awarded by courts or juries, as the case may be, has significantly increased on a per case basis during the period covered by the study, taking into consideration adjustments for inflation and other relevant economic factors; Whether there has been a pattern of excessive and inequitable reasonable-royalty based damages during the period covered by the study and, if so, any contributing factors; To the extent that a pattern of excessive and inequitable damage awards exists, measures that could guard against such inappropriate awards without unduly prejudicing the rights and remedies of patent holders or significantly increasing litigation costs; and To the extent that a pattern of excessive and inequitable damage awards exists, whether legislative proposals that would mandate, or create a presumption in favor of, apportionment of reasonable royalty-based patent damages would effectively guard against such inappropriate awards without unduly prejudicing the rights and remedies of patent holders or significantly increasing litigation costs.

In short, Mr. Chairman my amendment can be summed up as follows: For those who are confident of the future, my amendment offers vindication. For those who are skeptical that the new changes will work, my amendment will provide the evidence they need to prove their case. And for those who believe that maintaining the status quo is intolerable, my amendment offers a way forward.

I urge all members to support my amendment.

APPENDIX

AmberWave Systems Aware, Inc., Canopy Venture Partners, LLC, Cantor Fitzgerald, LP, Cryptography Research, Cummins-Allison Corp., Digimarc Corporation, Fallbrook Technologies, Inc., Helius, Inc, Immersion Corporation, Inframat Corporation, InterDigital Communications Corporation, Intermolecular, Inc., LSI Metabolix.

QUALCOMM, Inc., Symyx, Tessera, US Nanocorp. 3M, Abbott, Accelerated Technologies, Inc., Acorn Cardiovascular Inc., Adams Capital Management, Adroit Medical Systems, Inc., AdvaMed, Advanced Diamond Technologies, Inc., Advanced Medical Optics, Inc., Advanced Neuromodulation Systems, Inc., Aero-Marine Company.

AFL–CIO, Air Liquide, Air Products, ALD NanoSolutions, Inc., ALIO Industries, Allergan, Inc., Almyra, Inc., AmberWave Systems Corporation, American Intellectual Property Law Association (AIPLA), American Seed Trade, Americans for Sovereignty, Americans for the Preservation of Liberty, Amylin Pharmaceuticals, AngioDynamics, Inc. Applied Medical, Applied Nanotech, Inc.

Argentis Pharmaceuticals, LLC, Arizona BioIndustry Association, ARYx Therapeutics, Ascenta Therapeutics, Inc., Association of University Technology Managers (AUTM), Asthmatx, Inc., AstraZeneca, Aware, Inc., Baxa Corporation, Baxter Healthcare Corporation, BayBio, Beckman Coulter, BIO—Biotechnology Industry Organization, BioCardia, Inc.

BIOCOM, Biogen Idec. Biomedical Association, BioOhio, Bioscience Institute, Biotechnology Council of New Jersey, Blacks for Economic Security Trust Fund, BlazeTech Corporation, Boston Scientific, Bridgestone Americas Holding, Inc., Bristol-Myers Squibb, BuzzLogic, California Healthcare Institute, Canopy Ventures, Carbide Derivative Technologies, Cardiac Concepts, Inc.

CardioDynamics, Cargill, Inc., Cassie-Shipherd Group, Caterpillar, Celgene Corporation, Cell Genesys, Inc., Center 7, Inc. Center for Small Business and the Environment, Centre for Security Policy, Cephalon, CheckFree, Christian Coalition of America, Cincinnati Sub-Zero Products, Coalition for 21st Century Patent Reform, Coalitions for America.

CogniTek Management Systems, Inc., Colorado Bioscience Association, Conceptus, Inc., CONNECT, Connecticut United for Research Excellence, Cornell University, Corning, Coronis Medical Ventures, Council for America, CropLife America, Cryptography Research, Cummins Inc.

Cummins-Allison Corporation, CVRx Inc., Dais Analytic Corporation, Dartmouth Regional Technology Center, Inc., Declaration Alliance

Deltanoid Pharmaceuticals, Digimarc Corporation, DirectPointe, Dow Chemical Company, DuPont, Dura-Line Corporation, Dynatronics Co., Eagle Forum, Eastman Chemical Company.

Economic Development Center, Edwards Lifesciences, Elan Pharmaceuticals, Inc., Electronics for Imaging, Eli Lilly and Company, Ellman Innovations LLC, Enterprise Partners Venture Capital, Evalve, Inc. Exxon Mobil Corporation, Fallbrook Technologies Inc., FarSounder, Inc., Footnote.com, Gambro BCT, General Electric.

Genomic Health, Inc., Gen-Probe Incorporated, Genzyme, Georgia Biomedical Partnership, Glacier Cross, Inc.

GlaxoSmithKline, Glenview State Bank, Hawaii Science & Technology Council, HealthCare Institute of New Jersey, HeartWare, Inc., Helius, Inc., Henkel Corporation.

Hoffman-LaRoche, Inc., iBIO, Imago Scientific Instruments, Impulse Dynamics (USA), Inc., Indiana Health Industry Forum, Indiana University, Innovation Alliance, Institute of Electrical and Electronics Engineers (IEEE)–USA.

InterDigital Communications Corporation, Intermolecular, Inc., International Association of Professional and Technical Engineers (IFPTE), Invitrogen Corporation, Iowa Biotechnology Association, ISTA Pharmaceuticals, Jazz Pharmaceuticals, Inc., Johnson & Johnson, KansasBio, Leadership Institute, Let Freedom Ring, Life Science Alley, LITMUS, LLC, LSI Corporation, Lux Capital Management, Luxul Corporation, Maryland Taxpayers' Association.

Masimo Corporation, Massachusetts Biotechnology Council, Massachusetts Medical Device Industry Council (MassMEDIC), Maxygen Inc., MDMA—Medical Device Manufacturer's Association, Medical College of Wisconsin, Medlmmune, Inc., Medtronic, Merck, Metabasis Therapeutics, Inc., Metabolex, Inc., Metacure (USA), Inc., MGI Pharma Inc., MichBio.

Michigan Small Tech Association, Michigan State University, Millennium Pharmaceuticals, Inc., Milliken & Company, Mohr, Davidow Ventures, Monsanto Company, NAM—National Association of Manufacturers, NanoBioMagnetics, Inc. (NBMI), NanoBusiness Alliance, Nanolnk, Inc., NanoIntegris, Inc., Nanomix, Inc., Nanophase Technologies, NanoProducts Corporation, Nanosys, Inc., Nantero, Inc., National Center for Public Policy Research, Nektar Therapeutics, Neoconix, Inc.

Neuro Resource Group (NRG), Neuronetics, Inc., NeuroPace, New England Innovation Alliance, New Hampshire Biotechnology Council, New Hampshire Department of Economic Development, New Mexico Biotechnical and Biomedical Association, New York Biotechnology Association.

Norseman Group, North Carolina Biosciences Organization, North Carolina State University, North Dakota State University, Northrop Grumman Corporation, Northwestern University, Novartis, Novartis Corporation.

Novasys Medical Inc., NovoNordisk, NUCRYST Pharmaceuticals, Inc., NuVasive, Inc., Nuvelo, Inc., Ohio State University, OpenCEL, LLC, Palmetto Biotechnology Alliance, Patent Café.com, Inc., Patent Office Professional Association, Pennsylvania Bio, Pennsylvania State University, PepsiCo, Inc., Pfizer, PhRMA—Pharmaceutical Research and Manufacturers of America, Physical Sciences Inc., PointeCast Corporation.

Power Innovations International, Power Metal Technologies, Inc., Preformed Line Products, Procter & Gamble, Professional Inventors' Alliance.

ProRhythm, Inc., Purdue University, Pure Plushy Inc., QUALCOMM Inc., QuantumSphere, Inc., QuesTek Innovations LLC, Radiant Medical, Inc., Rensselaer Polytechnic Institute, Research Triangle Park, NC, Retractable Technologies, Inc., RightMarch.com.

S & C Electric Company, Salix Pharmaceuticals, Inc., SanDisk Corporation, Sangamo BioSciences, Inc., Semprius, Inc, Small Business Association of Michigan—Economic Development Center, Small Business Exporters Association of the United States, Small Business Technology Council, Smart Bomb Interactive, Smile Reminder, SmoothShapes, Inc., Solera Networks, South Dakota Biotech Association, Southern California Biomedical Council, Spiration, Inc., Standup Bed Company.

State of New Hampshire Department of Resources and Economic Development, Stella Group, Ltd., StemCells, SurgiQuest, Inc., Symyx Technologies, Inc., Tech Council of Maryland/MdBio, Technology Patents & Licensing, Tennessee Biotechnology Association, Tessera, Inc., Texas A&M, Texas Healthcare, Texas Instruments, Three Arch Partners, United Technologies, University of California System, University of Illinois, University of Iowa, University of Maryland, University of Michigan, University of Minnesota, University of New Hampshire, University of North Carolina System, University of Rochester, University of Utah, University of Wisconsin-Madison.

US Business and Industry Council, US Council for International Business, USGI Medical, USW—United Steelworkers, Vanderbilt University and Medical Center, Virent Energy Systems, Inc., Virginia Biotechnology Association, Visidyne, Inc., VisionCare Opthamalogic Technologies, Inc., Washington Biotechnology & Biomedical Association.

Washington University, WaveRx, Inc., Wayne State University, Wescor, Inc., Weyerhaeuser, Wilson Sonsini Goodrich & Rosati, Wisconsin Alumni Research Foundation (WARF), Wisconsin Biotechnology and Medical Device Association, Wyeth.

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

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

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

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to Mr. MANZULLO.

Mr. MANZULLO. Mr. Chairman, what is interesting about the amendment from the gentlewoman from Texas is the fact that she wants to have a study, and I agree with it, of patent damage awards from at least 1990 to the present case.

So this is very interesting because here we are about to do this massive change in law and no one has done the study. But now we are going to do the study after we have this massive change in law.

I'll tell you, this train just turned around with the caboose going forward. That is why this bill has to be ditched.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to Mr. GOHMERT from Texas.

Mr. GOHMERT. Mr. Chairman, our chairman of the Judiciary Committee commented that it looks like the people opposed to anything are opposed to everything.

I'm really not. I think this is a good idea, a good amendment; and I applaud my colleague from Texas for pushing this forward.

I would like to have had these results before we went forward with this so-called comprehensive bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOHMERT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my intent was to respond to the disparate voices.

Would you at least admit that this improves or adds to by giving us additional information?

Mr. GOHMERT. Reclaiming my time, Mr. Chairman, as I said, I think it's a good idea and I'm going to vote for it. But I would rather have this as a stand-alone before we do all of these what some have referred to as draconian comprehensive measures.

And I do not question whatsoever the sincerity or the effort on behalf of the chairman for working people and others. And I do not question the sincerity when we were told, and I was among those who were told, you could be in a group that will revise this. I just never was given that opportunity.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentlewoman for yielding, and I support the amendment.

I would just like to note, however, that we have had over 21 hearings in the subcommittee and have convened several briefings on top of that. We have had reports from the National Academy, the FTC on this subject. And I think the gentlewoman's amendment to get still further information is valid. I support it. But certainly we have information today that has been gained over an extensive process over half a decade.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to Mr. ROSCOE BARTLETT, Ph.D., a man who holds 20 patents, a man who is greatly respected for his scientific knowledge and who has been deeply appreciated for the advice he has given us in that endeavor in the last 15 years in Congress.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. I thank the gentleman for yielding.

I have been, for the last couple of hours, doing what is seldom done in this House. I have been listening to every minute of this debate. And I felt compelled to come to the floor.

When I was listening to the debate, I was reminded of the story of the father who was looking at the white shirt that he wore yesterday to see if he could wear it again.

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And his daughter observed, daddy, if it's doubtful, it's dirty. And I thought of that when I was listening to this debate because obviously this bill is doubtful. We're amending it on the run. And I wonder if, Mr. Chairman, maybe the little girl isn't right, that if it's doubtful, it's dirty.

There's been a lot of talk about protecting the rights of the little guy. In a former life, I had 20 patents. And I'm really committed to protecting the rights of the little guy because I was a little guy, not just because of the little guy, but because most of our creativity and innovation comes from the little guy.

And what I would suggest is that if this bill is so flawed that we're modifying it, amending it on the run and hope to make it okay when we come to conference, wouldn't it be better just to send it back to committee and do it right the first time?

Ms. JACKSON-LEE of Texas. May I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON-LEE of Texas. I yield 45 seconds to the distinguished chairman, Mr. CONYERS.

Mr. CONYERS. I rise only to say to the distinguished previous speaker that this mistaken impression that this is being amended on the run is incorrect. And I'm glad you listened to the full debate, and I respect your position.

The point that you think it's being amended on the run is that we had nearly 50 organizations in which we were negotiating with up until the last moment, and even now, sir. That's why we have a manager's amendment.

Mr. BARTLETT of Maryland. Will the gentleman yield?

Mr. CONYERS. I will yield to the gentleman.

Mr. BARTLETT of Maryland. I was simply quoting what you said.

Ms. JACKSON-LEE of Texas. May I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentlewoman from Texas has 1¼ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California.

Mr. BERMAN. I thank the gentlelady, and I support her amendment.

Just to review the bidding, my friend from California (Mr. ROHRABACHER) over and over again talks about the flaws in this bill. Other than four Gohmert amendments on the issue of venue and one amendment from the gentleman from Iowa that was an earmark amendment, no other amendments were kept from consideration here. For all the arguments about flaws, where were the amendments to correct the flaws that they talk about? For all the notions of, we're not against reform, but this one isn't perfect, and this one isn't right, and this has some flaws, and it hasn't resolved every issue to everyone's satisfaction, nothing will, where is their alternative bill?

I'm telling you, this is an issue of whether we're going to address a system that the National Academy of Sciences and so many other objective agencies have said is getting near broken or doing nothing, and I suggest doing nothing is not a good answer for a Congress that wants to keep the American economy strong.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Let's note that there are several amendments that were not permitted by the Rules Committee. I did not submit amendments because those of us who have been following this bill realize it is fundamentally flawed. The purpose of the bill is to support those large corporations that Ms. KAPTUR noted who are dramatically supporting the legislation. And it is being opposed, I might add, by a large number of universities, unions, pharmaceutical industries, biotech industries, et cetera, et cetera. So we have everybody except the electronics industry and the financial industry, who are already over in China making their profit at our expense, are opposed to the bill.

I yield my remaining 30 seconds to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. I just wanted to clarify the basis for my observation that the bill was being amended on the run. I was simply quoting the chairman, who said that they worked late last night changing the manager's amendment, that they were going to continue to work through conference so that they could change the bill to make it better. So obviously the bill is being amended and being changed on the run.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. PENCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–319.

Mr. PENCE. 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. PENCE:

Page 40, line 9, strike ''identifies'' and all that follows through line 11 and insert the following:

''(1) identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under such section; or

''(2) is based on the best mode requirement contained in section 112.

The Acting CHAIRMAN. Pursuant to House Resolution 636, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

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

Mr. PENCE. Mr. Chairman, I rise today in support of an amendment that would simply clarify patent law in what is known as ''best mode.''

Before explaining my amendment and the need for it, I want to take a brief moment to express my personal gratitude to Ranking Member Lamar Smith for his years of work on this issue, and to express my appreciation not only to Chairman CONYERS, but to Chairman BERMAN, for the bipartisan manner in which they have proceeded on this legislation, so vital as it is to our national life and to our economic vitality.

Years of countless hearings, great dedication have gone into this bill on both sides of the aisle. And while, Mr. Chairman, I'm not convinced that it's a perfect bill, I believe, as the gentleman from California said, it's a work in progress, as is all complex American law, and I think that moving forward is the right thing to do today.

With that, I would like to yield 1 minute to the distinguished ranking member of the committee, the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank my friend from Indiana for yielding, and I want to point out that he is a member of the Intellectual Property Subcommittee of the Judiciary Committee. I know he is going to describe this amendment very well, so I will not go into that detail, but simply urge my colleagues to support it.

Mr. PENCE. I thank the gentleman for his support.

Mr. Chairman, the Constitution vests, in article I, section 8, clause 8, the power and the duty of the Congress ''to promote the progress of science and useful arts by securing for limited times to inventors the exclusive right to their discoveries.'' This is an express obligation of the Congress under the Constitution.

Our patent laws, as currently written, were essentially drafted over 50 years ago, and I believe it is time to update them to account for changes in our dynamic 21st century economy.

We need to strengthen out patent laws to make sure that patents that are issued are strong and high quality, but I would submit that we also need to reform our patent laws to eliminate lawsuit abuse that has become so prevalent. Aspects of this legislation will do that; my amendment seeks to do that further.

As I said before, I am sympathetic to those who say that further work on damages needs to be done in conference. I agree with their sentiment to that point, and I trust that will occur.

On balance, though, I have determined that this legislation is an important and useful step toward modernizing and strengthening our American patent law, and I am pleased to support it. But I encourage Members of the House not to take this step without first supporting the Pence amendment, which makes an important clarification of provisions governing what is known as best mode in patent law.

At the Judiciary Committee markup of this bill, I first supported an amendment which would have repealed best mode in full. American patent law requires that a patent application, ''set forth the best mode contemplated by the inventor of carrying out his invention'' at the time the application is filed. But providing the best mode at the time of application is not a requirement in Europe or in Japan or in any of the rest of the world, and it has become a vehicle for lawsuit abuse.

In my view, the best mode requirement of American law imposes extraordinary and unnecessary costs on the inventor and adds a subjective requirement to the application process, and I believe public interest is already adequately met in ensuring quality technical disclosures for patents.

At the Judiciary Committee, I offered a best mode relief amendment that was accepted. The Pence amendment then retained best mode as a specifications requirement for obtaining a patent, the intent to maintain in the law the idea that patent applicants

should provide extensive disclosure to the public about an invention. But the Pence amendment endeavored to remove best mode from litigation.

Increasingly in patent litigation defendants have put forth best mode as a defense and a reason to find patents unenforceable. It becomes virtually a satellite piece of litigation in and of itself, detracts from the actual issue of infringement, and literally costs American inventors millions in legal fees.

The intent of the amendment was to keep best mode in the Patent and Trademark Office. My amendment today continues this effort toward eliminating this archaic and costly provision of the law. Specifically, the amendment today makes it clear that arguments about best mode cannot serve as the basis for post-grant review proceedings. It's quite simple in that effect.

With my amendment, under the new post-grant review system, best mode will not be litigated. That will lessen the burden put on patent holders in defending their patents in post-grant review proceedings, and it will prevent the expenditure of millions of dollars in needless lawsuit abuse.

I encourage my colleagues to support the amendment.

Mr. CONYERS. Will the gentleman yield?

Mr. PENCE. I would be very pleased to yield to the distinguished Chair.

Mr. CONYERS. Not only to thank the gentleman for producing this amendment, but also to appreciate all the work that he did on helping us make this bill as good as it was. We thank you very much.

Mr. PENCE. I thank the chairman for his remarks. And I urge my colleagues to support the Pence amendment so we can further clarify the intended best mode relief.

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

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

Mr. ROHRABACHER. I would, first of all, submit for the RECORD a list of several hundred organizations, including unions and universities, et cetera, all of whom have raised objections to the patent legislation, H.R. 1908, not necessarily that they're all opposed to it, but they have strong objections.

ORGANIZATIONS AND COMPANIES WHICH HAVE RAISED OBJECTIONS TO PATENT LEGISLATION (H.R. 1908)

Organizations and Companies Raising Objections to H.R. 1908, the Patent Reform Act of 2007: 3M, Abbott, Accelerated Technologies, Inc., Acorn Cardiovascular Inc., Adams Capital Management, Adroit Medical Systems, Inc., AdvaMed, Advanced Diamond Technologies, Inc., Advanced Medical Optics, Inc., Advanced Neuromodulation Systems, Inc., Aero-Marine Company, AFL–CIO, African American Republican Leadership Council.

Air Liquide, Air Products, ALD NanoSolutions, Inc., ALIO Industries, Allergan, Inc., Almyra, Inc., AmberWave Systems Corporation, American Conservative Union, American Intellectual Property Law Association (AIPLA), American Seed Trade, Americans for Sovereignty.

Americans for the Preservation of Liberty, Amylin Pharmaceuticals, AngioDynamics, Inc., Applied Medical, Applied Nanotech, Inc., Argentis Pharmaceuticals, LLC, Arizona BioIndustry Association, ARYx Therapeutics, Ascenta Therapeutics, Inc., Association of University Technology Managers (AUTM).

Asthmatx, Inc., AstraZeneca, Aware, Inc., Baxa Corporation, Baxter Healthcare Corporation, BayBio, Beckman Coulter, BIO—Biotechnology Industry Organization, BioCardia, Inc., BIOCOM, Biogen Idec, Biomedical Association, BioOhio, Bioscience Institute, Biotechnology Council of New Jersey.

Blacks for Economic Security Trust Fund, BlazeTech Corporation, Boston Scientific, Bridgestone Americas Holding, Inc., Bristol-Myers Squibb, BuzzLogic, California Healthcare Institute, Canopy Ventures, Carbide Derivative Technologies, Cardiac Concepts, Inc., CardioDynamics, Cargill, Inc., Cassie-Shipherd Group, Caterpillar, Celgene Corporation, Cell Genesys, Inc., Center 7, Inc., Center for Small Business and the Environment, Centre for Security Policy, Cephalon, CheckFree, Christian Coalition of America.

Cincinnati Sub-Zero Products, Coalition for 21st Century Patent Reform, Coalitions for America, CogniTek Management Systems, Inc., Colorado Bioscience Association, Conceptus, Inc., CONNECT, Connecticut United for Research Excellence, Cornell University, Corning, Coronis Medical Ventures, Council for America, CropLife America, Cryptography Research, Cummins Inc., Cummins-Allison Corporation.

CVRx Inc., Dais Analytic Corporation, Dartmouth Regional Technology Center, Inc., Declaration Alliance, Deltanoid Pharmaceuticals, Digimarc Corporation, DirectPointe, Dow Chemical Company, Dupont, Dura-Line Corporation, Dynatronics Co., Eagle Forum, Eastman Chemical Company, Economic Development Center, Edwards Lifesciences, Elan Pharmaceuticals, Inc., Electronics for Imaging, Eli Lilly and Company, Ellman Innovations LLC, Enterprise Partners Venture Capital, Evalve, Inc.

Exxon Mobile Corporation, Fallbrook Technologies Inc., FarSounder, Inc. Footnote.com.

Gambro BCT, General Electric, Genomic Health, Inc., Gen-Probe Incorporated, Genzyme, Georgia Biomedical Partnership, Glacier Cross, Inc., GlaxoSmithKline, Glenview State Bank, Hawaii Science & Technology Council, HealthCare Institute of New Jersey, HeartWare, Inc., Helius, Inc., Henkel Corporation, Hoffman-LaRoche, Inc.

iBIO, Imago Scientific Instruments, Impulse Dynamics (USA), Inc., Indiana Health Industry Forum, Indiana University, Innovation Alliance, Institute of Electrical and Electronics Engineers (IEEE)–USA, Inter-Digital Communications Corporation, Intermolecular, Inc., International Association of Professional and Technical Engineers (IFPTE), Invitrogen Corporation, Iowa Biotechnology Association, ISTA Pharmaceuticals, Jazz Pharmaceuticals, Inc., Johnson & Johnson, KansasBio, Leadership Institute, Let Freedom Ring, Life Science Alley, LITMUS, LLC.

LSI Corporation, Lux Capital Management, Luxul Corporation, Maryland Taxpayers' Association.

Masimo Corporation, Massachusetts Biotechnology Council, Massachusetts Medical Device Industry Council (MassMEDIC), Maxygen Inc., MDMA—Medical Device Manufacturer's Association, Medical College of Wisconsin, MedImmune, Inc., Medtronic, Merck, Metabasis Therapeutics, Inc., Metabolex, Inc., Metacure (USA), Inc., MGI Pharma Inc., MichBio, Michigan Small Tech Association, Michigan State University, Millennium Pharmaceuticals, Inc., Milliken & Company, Mohr, Davidow Ventures, Monsanto Company.

NAM—National Association of Manufacturers, NanoBioMagnetics, Inc. (NBMI), NanoBusiness Alliance, NanoInk, Inc., NanoIntegris, Inc., Nanomix, Inc., Nanophase Technologies, NanoProducts Corporation, Nanosys, Inc., Nantero, Inc., National Center for Public Policy Research, Nektar Therapeutics, Neoconix, Inc., Neuro Resource Group (NRG), Neuronetics, Inc., NeuroPace, New England Innovation Alliance, New Hampshire Biotechnology Council, New Hampshire Department of Economic Development, New Mexico Biotechnical and Biomedical Association, New York Biotechnology Association.

Norseman Group, North Carolina Biosciences Organization, North Carolina State University, North Dakota State University, Northrop Grumman Corporation, Northwestern University, Novartis, Novartis Corporation, Novasys Medical Inc., NovoNordisk, NUCRYST Pharmaceuticals, Inc. NuVasive, Inc., Nuvelo, Inc., Ohio State University, OpenCEL, LLC.

Palmetto Biotechnology Alliance, Patent Café.com, Inc., Patent Office Professional Association, Pennsylvania Bio, Pennsylvania State University, PepsiCo, Inc., Pfizer, PhRMA—Pharmaceutical Research and Manufacturers of America, Physical Sciences Inc., PointeCast Corporation, Power Innovations International, PowerMetal Technologies, Inc., Preformed Line Products, Procter & Gamble, Professional Inventors' Alliance, ProRhythm, Inc., Purdue University, Pure Plushy Inc., QUALCOMM Inc.

QuantumSphere, Inc., QuesTek Innovations LLC, Radiant Medical, Inc., Rensselaer Polytechnic Institute, Research Triangle Park, NC, Retractable Technologies, Inc., RightMarch.com, S & C Electric Company, Salix Pharmaceuticals, Inc., SanDisk Corporation, Sangamo BioSciences, Inc., Semprius, Inc., Small Business Association of Michigan—Economic Development Center, Small Business Exporters Association of the United States.

Small Business Technology Council, Smart Bomb Interactive, Smile Reminder, SmoothShapes, Inc., Solera Networks, South Dakota Biotech Association, Southern California Biomedical Council, Spiration, Inc., Standup Bed Company, State of New Hampshire Department of Resources and Economic Development, Stella Group, Ltd., StemCells, SurgiQuest, Inc.

Symyx Technologies, Inc., Tech Council of Maryland/MdBio, Technology Patents & Licensing, Tennessee Biotechnology Association, Tessera, Inc., Texas A&M, Texas Healthcare, Texas Instruments, Three Arch Partners.

United Technologies, University of California System, University of Illinois, University of Iowa, University of Maryland, University of Michigan, University of Minnesota, University of New Hampshire, University of North Carolina System, University of Rochester, University of Utah, University of Wisconsin-Madison, US Business and Industry Council, US Council for International Business.

USGI Medical, USW—United Steelworkers, Vanderbilt University and Medical Center, Virent Energy Systems, Inc., Virginia Biotechnology Association, Visidyne, Inc., VisionCare Opthamalogic Technologies, Inc., Washington Biotechnology & Biomedical Association, Washington University, WaveRx, Inc.

Wayne State University, Wescor, Inc., Weyerhaeuser, Wilson Sonsini Goodrich &

Rosati, Wisconsin Alumni Research Foundation (WARF), Wisconsin Biotechnology and Medical Device Association, Wyeth.

And we know there are many, many people who have strong reservations, even by the wording of what we have heard from the other side of this debate, that there are people who have serious questions, even though they may not officially be in opposition.

Well, if there are so many serious questions around that we have amendments like that of Mr. PENCE and the other amendments that we've heard, we shouldn't be having this bill on this floor at this time, much less muzzling the opposition so we have only an hour to debate on the central issues of the bill. Instead, we have had to argue our case hamper-scamper here as opposition to the amendment to the bill only to get time to offer a few objections. That's not the way this system is supposed to work. And it's not supposed to work that we bring bills to the floor and ask Members to vote on it so that we can fix it later on. That should raise flags for everybody that there is something to fix in this bill. And the fact that this bill has been brought to the floor very quickly and that debate has been limited, that alone should cause people to want to vote ''no'' on H.R. 1908 and send it back to committee and see if we can have a bill that doesn't require Mr. PENCE to be up here.

And also this, before I yield to Ms. KAPTUR: Yes, there are problems with the Patent Office, as has been described. Bad patents are being issued. This bill does nothing to cure that. What this bill does is use that as a cover to fundamentally change the rules of the game that are going to help those huge corporations that Ms. KAPTUR talked about, as well as the overseas people who are waiting to steal our technology.

We can correct those problems, and I would support that. You bring a bill to the floor that gives more money to the patent examiners, more training to the patent examiners, keeps the money that goes into the Patent Office there to improve the system, you're going to have lots of support. But don't use the imperfections of the Patent Office as an excuse to change the fundamental protections for American inventors.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding and rise in opposition to the amendment.

I wanted to point out that in every year when patents are granted the very small number of lawsuits that are generated as a result of that. For example, in the year 2006, there were 183,000 patents granted; 1.47 percent actually ended up in some type of lawsuit, and most of those lawsuits were settled before trial.

The current system is working very well for the majority of inventors as lawsuits have represented that smaller percentage going back as far as the eye can see.

I would like to place on the RECORD those facts that, in fact, lawsuits are a minuscule percent of all patents reviewed and granted. And I would also like to place on the RECORD from the United States Court of Appeals the following letter from the chief judge who states that the present bill creates a new type of macroeconomic analysis that would be extremely costly and time consuming, far more so than current application of the well-settled apportionment law.

TABLE FOUR—PATENTS GRANTED AND LAWSUITS COMMENCED

[FY 1992–2006]

Fiscal Year	Patents Granted	Patents Suits Commenced	Lawsuits as a Percent of Patents Granted
2006	183,000	2,700	1.47
2005	165,000	2,720	1.64
2004	187,000	3,075	1.64
2003	190,000	2,814	1.48
2002	177,000	2,700	1.52
2001	188,000	2,520	1.32
2000	182,000	2,484	1.36
1999	159,000	2,318	1.45
1998	155,000	2,218	1.43
1997	123,000	2,112	1.71
1996	117,000	1,840	1.57
1995	114,000	1,723	1.51
1994	113,000	1,617	1.43
1993	107,000	1,553	1.45

Sources: Data from the patents Granted is from USPTO Annual Reports. Data for lawsuits commence is from the Federal Judicial Statistics. The lawsuit data is as of March 31 of each year. The patents granted data is as of the Federal Fiscal Year. While the data is skewed by the different times used for the reporting years, a long-term view is created for this 14–year period. The author calculated the ratios.

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT,
Washington, DC, June 7, 2007.

SHANA A. WINTERS,
Rayburn House Office Building,
Washington, DC.

DEAR MS. WINTERS: Thank you for your telephone call yesterday afternoon concerning determining damages in patent infringement cases under the reasonable royalty language of the Patent Act. As promised, I have since reviewed some of the Federal Circuit decisions that address aspects of this subject, and I have also identified and attached an article that should help you more than reading individual opinions. Significantly, it was written by a seasoned patent litigator with direct experience in how such damage theories are actually litigated in court. Lawyers employed by particular companies, like most law professors, have little or no experience from that perspective. Mr. Rooklidge, by contrast, has several decades of litigation experience in precisely these types of cases.

His article was written since late April and may be the most current available on the subject. It is certainly clear and comprehensive. In addition, it references some of the testimony before your subcommittee in April, as well as the specific language of the pending bills.

The footnotes cite other useful sources you may wish to consult, including authoritative treatises by practitioner Robert Harmon and Professor Donald Chisum, and several recent articles on the point. They provide further background, which you may find helpful.

If the House Judiciary Committee intends to continue the damages law as currently practiced, after decades of refinement in individual court decisions, it need do nothing. This body of law is highly stable and well understood by litigators as well as judges. If, on the other hand, the Congress wishes to radically change the law, I suggest that a far more carefully-crafted and lengthy provision would be required. Like the body of caselaw, such a provision would need to account for many different types of circumstances, which the present provision does not.

In my opinion, plucking limited language out of the long list of factors summarized in the Georgia Pacific case that may be relevant in various cases is unsatisfactory, particularly when cast as a rigid requirement imposed on the court, and required in every case, rather than an assignment of a burden of proof under a clear standard of proof imposed on the party that should bear that particular burden, and that would only arise in a rare case. As I said, under current caselaw, the burden of apportioning the base for reasonable royalties falls on the infringer, while the burden for application of the Entire Market Value Rule falls on the patentee. In most cases, apportionment is not an issue requiring analysis.

Further, as I also attempted to explain, the present bills require a new, kind of macroeconomic analysis that would be extremely costly and time consuming, far more so than current application of the well-settled apportionment law. Resulting additional court delays would be severe, as would additional attorneys' fees and costs. Many view current delays and costs as intolerable.

In short, the current provision has the following shortcomings. First, it requires a massive damages trial in every case and does so without an assignment of burden of proof on the proper party and articulation of a clear standard of proof associated with that burden. Second, the analysis required is vastly more complicated than that done under current law. Third, the meaning of various phrases in the bills would be litigated for many years creating an intervening period of great uncertainty that would discourage settlements of disputes without litigation or at least prior to lengthy and expensive trials.

I appreciate your call and your effort to better understand the gap between current law and practice, and what the bills would require. I am of course available if you need further assistance in understanding the reality behind my May letter to the Chairman.

Sincerely,

PAUL R. MICHEL,
Chief Judge.

This gentleman's amendment, as well as the underlying bill, would result in additional court delays that could be severe and would probably result in additional attorney fees and costs, and those additional costs are intolerable. We are actually charging more for inventors to maintain their inventions. We tried to stop that several years ago and were unsuccessful in doing that.

□ 1445

And now we are, in this bill, creating a more complicated legal system that is going to cost them more money. We have a system that works. We have the best patent system in the world. We have the most innovation in the world.

I hope this bill goes down to defeat so we can make it much, much better. We had a system where we protect the inventor if they wish to opt out of having their intellectual property put up on the Internet, they have the right to do that. This bill takes that away. It is one of the most egregious parts of this bill that should be fixed.

I thank the gentleman for yielding.

Mr. ROHRABACHER. How much more time is left in this debate?

The Acting CHAIRMAN. The gentleman from California now has 30 seconds remaining. The time of the gentleman from Indiana has expired.

Mr. ROHRABACHER. I would yield myself the right to close, and this is the final, I guess, arguments in this debate.

We can correct the flaws at the Patent Office. We do not need to destroy the American patent system as it has functioned for 200 years. We do not need to make all of our inventors vulnerable to foreign theft so foreigners and large corporations can steal their creative genius and use it against us. That is what this bill does. It is being foisted off on us. The process has been flawed. As we can see, we have had limited debate. They brought this to the floor admitting there are flaws in the bill. We need to defeat the Steal American Technologies Act and go back and work on it so we can make real reform rather than a bill that is going to help America's economic adversaries.

I would ask my colleagues to join me in supporting the little guy against the big guy and demonstrating that that is the rules of the game here.

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

The amendment was agreed to.

Mr. ROHRABACHER. Mr. Chairman, I ask unanimous consent to withdraw my requests for recorded votes on the amendments numbered 2, 3 and 4, to the end that each such amendment stand disposed of by the voice vote thereon.

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

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 136, not voting 38, as follows:

[Roll No. 862]

AYES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Emanuel
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fossella
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hoekstra
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Keller
Kennedy
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McGovern
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth

NOES—136

Aderholt
Akin
Alexander
Bachmann
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Carnahan
Carney
Castle
Chabot
Cole (OK)
Courtney
Cramer
Crenshaw
Davis (CA)
Davis, David
Deal (GA)
Dent
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Goode
Graves
Hall (TX)
Hare
Hayes
Herger
Hill
Hobson
Hodes
Holt
Hunter
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kaptur
Kildee
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Mack
Mahoney (FL)
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McIntyre
Melancon
Mica
Michaud
Miller (FL)
Miller, Gary
Murphy, Tim
Nunes
Petri
Pitts
Platts
Poe
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Rothman
Ryan (OH)
Saxton
Schmidt
Shadegg
Shea-Porter
Shuler
Souder
Stearns
Taylor
Terry
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—38

Baker
Barrett (SC)
Bishop (UT)
Boyd (FL)
Carter
Christensen
Cubin
Davis, Jo Ann
Ellsworth
Fortuño
Granger
Hastert
Holden
Hooley
Hulshof
Inglis (SC)
Jindal
Johnson, Sam
Jones (OH)
McDermott
Pallone
Paul
Pearce
Pickering
Reichert
Reynolds
Royce
Salazar
Sanchez, Loretta
Shays
Shimkus
Sullivan
Tancredo
Walsh (NY)
Watson
Weller
Woolsey
Young (AK)

□ 1511

Messrs. AKIN, HODES, BOEHNER, POE, BURTON of Indiana, HOLT and RYAN of Ohio changed their vote from ''aye'' to ''no.''

Messrs. KIRK, MEEKS of New York, McCARTHY of California and GILCHREST changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. INGLIS of South Carolina. Mr. Chairman, on rollcall No. 862 I was unavoidably detained. Had I been present, I would have voted "no."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMEROY) having assumed the chair, Mr. ROSS, 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. 1908) to amend title 35, United States Code, to provide for patent reform, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ROHRABACHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 1908 will be followed by a 5-minute vote on adopting the conference report to accompany H.R. 2669.

The vote was taken by electronic device, and there were—ayes 220, noes 175, not voting 37, as follows:

[Roll No. 863]

AYES—220

Ackerman
Allen
Andrews
Arcuri
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Keller
Kennedy
Kilpatrick
Kind
King (NY)
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McGovern
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Ortiz
Pence
Perlmutter
Peterson (PA)
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Yarmuth

NOES—175

Abercrombie
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Capuano
Carney
Castle
Chabot
Clarke
Cole (OK)
Conaway
Costello
Courtney
Cramer
Crenshaw
Davis (CA)
Davis (KY)
Davis, David
Deal (GA)
DeFazio
DeLauro
Dent
Donnelly
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Graves
Grijalva
Hall (TX)
Hare
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holt
Hunter
Inglis (SC)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kanjorski
Kaptur
Kildee
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Mack
Manzullo
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Oberstar
Olver
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pitts
Platts
Poe
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Ryan (OH)
Saxton
Schmidt
Schwartz
Shadegg
Shea-Porter
Shuler
Sires
Smith (NE)
Souder
Stearns
Taylor
Terry
Tiberi
Tierney
Turner
Upton
Visclosky
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Young (FL)

NOT VOTING—37

Baker
Barrett (SC)
Bishop (UT)
Boyd (FL)
Carnahan
Carter
Cubin
Davis, Jo Ann
Ellsworth
Granger
Hastert
Holden
Hooley
Hulshof
Jindal
Johnson, Sam
Jones (OH)
McDermott
Pallone
Paul
Pearce
Pickering
Rangel
Reichert
Reynolds
Royce
Salazar
Sanchez, Loretta
Shays
Shimkus
Sullivan
Tancredo
Walsh (NY)
Watson
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1530

Mr. OLVER and Mr. FLAKE changed their vote from ''aye'' to ''no.''

Mr. SERRANO changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2669, COLLEGE COST REDUCTION AND ACCESS ACT

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on the bill, H.R. 2669, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 292, nays 97, not voting 43, as follows:

[Roll No. 864]

YEAS—292

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)

Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth

NAYS—97

Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jordan
King (IA)
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pence
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rohrabacher
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Terry
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—43

Baker
Barrett (SC)
Boyd (FL)
Carter
Cubin
Davis, Jo Ann
Dicks
Doyle
Ellsworth
Everett
Granger
Green, Gene
Hastert
Hill
Holden
Hooley
Hulshof
Jindal
Johnson, Sam
Jones (OH)
Kingston
Linder
McDermott
Pallone
Paul
Pearce
Pickering
Reichert
Reynolds
Royce
Salazar
Sanchez, Loretta
Shays
Shimkus
Smith (TX)
Sullivan
Tancredo
Walsh (NY)
Waters
Watson
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1538

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.

Stated for:

Mr. REYNOLDS. Mr. Speaker, on Friday, September 7, 2007, I was unavoidably absent during rollcall vote No. 864.

Had I been present, I would have voted "yea" on rollcall vote No. 864.

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 864, the higher education conference report, had I been present, I would have voted ''yea.''

Mr. SMITH of Texas. Mr. Speaker, if I were present during the vote on the conference report on H.R. 2669, the "College Cost Reduction Act," I would have voted "yes."

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on September 7, 2007, I missed 3 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote number 862, "no" on recorded vote 863 and "yea" on recorded vote 864.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on September 7, 2007, I was unable to be present for all rollcall votes due to a family medical emergency.

If present, I would have voted accordingly on the following rollcall votes: Roll No. 860—"nay"; roll No. 861—"nay"; roll No. 862—"aye"; roll No. 863—"aye"; roll No. 864—"nay".

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 1908.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1908, PATENT REFORM ACT OF 2007

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 1908, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent to allow 5 legislative days in which Members may revise and extend and place extraneous material relevant to the conference report on H.R. 2669 into the RECORD.

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

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

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

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2642) ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints. Mr. JOHNSON, Mr. INOUYE, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. REED, Mr. NELSON (NE), Mr. LEAHY, Mrs. HUTCHISON, Mr. CRAIG, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. BENNETT, and Mr. COCHRAN, to be the conferees on the part of the Senate.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my good friend, the majority leader, the gentleman from Maryland (Mr. HOYER), to give us the information about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

On Monday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business, with votes rolled until 6:30 p.m. In addition to several bills under suspension of the rules, a list of those bills of course will be made available by the close of business today, we will consider a resolution in commemoration of the terrorist attack on September 11, 2001.

On Tuesday, the House will meet at 10:30 a.m. in a pro forma session. There will be no votes. No legislative business or votes are expected. The tragic loss of Mr. Gillmor saddened us all. His funeral is on that day, and many Members will be attending. It will take place that morning in Ohio.

There will later in the day, when those who are going to Ohio return, on the steps of the Capitol at 4:30 p.m. be a meeting of the Members who are here from both the Senate and the House in remembrance of those who lost their lives on September 11, 2001, in that tragic and vicious attack on our country and on so many innocent people.

The House will not meet on Wednesday or Thursday in observance of Rosh Hashanah and will meet at 10 a.m. in pro forma session on Friday, and I thank the gentleman for yielding.

Mr. BLUNT. I thank the gentleman. I also thank the gentleman for his accommodation to the schedule. I know I want to go and many other Members will want to attend the memorial service for our good friend Paul Gillmor who did so much work for his constituents in this House, and I know in an already short week that was a real challenge to be able to figure out what we should do and how we should do it.

My understanding now is, just to repeat some of what you said, that in addition to the 9/11 commemoration resolution on Monday, everything else on Monday on the floor will be a suspension vote.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I would yield.

Mr. HOYER. Yes, that is our intention. There will be suspension votes so that we do not have a lot of controversy.

I will say, however, as the gentleman well knows, that Monday will be a very important day because General Petraeus and Ambassador Crocker will be on Capitol Hill on the House side testifying on their report to the Congress and to the American people with respect to their analysis of the present situation in Iraq and the present situation of our troops and the security and stability of that country.

So it will be a very important day, but the gentleman is correct, we will not be scheduling other than suspension votes for that Monday, and there will be no votes on Tuesday in recognition of the funeral and that so many Members will be attending the funeral.

Mr. BLUNT. I thank the gentleman for that. I was being asked by one of my colleagues, because of the importance of the Petraeus and Crocker testimony, if there was any way that could be moved to the House floor for the hearing, but I'm assuming that we'll have work going on on the House floor on these suspension bills.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I would yield.

Mr. HOYER. That is correct. We will be starting legislative business on the floor a little after noon. So there will be work on the floor proceeding.

It is my understanding, however, as the gentleman may know, that the hearing is in the Cannon Caucus Room. So we'll accommodate both media and the public, and as we all know, some of the most important hearings in history have been held in that room. So we certainly recognize the importance of this hearing, the gravity of the information that we will be receiving, and we have attempted to accommodate that.

Mr. BLUNT. It's my understanding, also, for the leader, on that hearing, not only the Members of the committee but other Members who are not on the committee will have accommodated opportunities for seating at least to be there to hear what General Petraeus and Ambassador Crocker have to say.

Mr. HOYER. That's my understanding, yes, sir.

Mr. BLUNT. I appreciate that. Only a couple of other questions about the schedule that now has largely been postponed for next week.

At one time, I think it was the original intent or at least my impression that the TRIA issue would be voted on, the extraordinary loss issue that might occur as it relates to insured property on Monday. I've been also told that there is now a PAYGO rule because of the way that bill has been calculated to have some potential costs. I wonder if we have anymore information about how quickly we may be able to get to this version of TRIA that we had hoped to be on the House floor next week, and I yield.

Mr. HOYER. I thank the gentleman for yielding. We believe the TRIA bill is a very, very important bill. Chairman FRANK has been very involved in this, as have bipartisan Members of the Financial Services Committee been involved in this. The gentleman is correct. As a result of what has happened for next week, we determined that both the FHA bill and the TRIA bill, which were both scheduled for the beginning of next week, would be moved until hopefully the following week.

□ 1545

We believe for TRIA and FHA, in light of the subprime issues, that Chairman FRANK is working with the administration. I know he has talked to Secretary Paulson with respect to their proposals and ours on ways to respond to the subprime crisis, the mortgage foreclosure crisis.

So we want to put those bills back on as soon as we can.

The TRIA bill, as you observed, has raised an issue of PAYGO, as to whether or not there is a financial consequence of the legislation. The CBO has made an estimate. Clearly, however, there is no payout if a terrorist attack doesn't happen, so there is a contingency it would have to happen. We are trying to address that, which we did not anticipate, frankly. As a result, however, we are trying to look at this to see whether or not we can both move the legislation as quickly as possible as well as accommodate the issue of PAYGO.

Mr. BLUNT. I appreciate that answer. Another issue that my good friend and I have talked about even earlier this week is on the trade agreements throughout there. We did notice that Ways and Means Committee had a hearing scheduled on the Peru Free Trade Agreement next week, which starts a clock. It would almost inevitably bring that bill to the floor on an understood date. That hearing has been scheduled. I wonder if my friend has any information on either that agreement or the other agreements out there, particularly the agreement on Colombia.

Mr. HOYER. As the gentleman well knows, there are four trade agreements that are the subject of consideration by the administration, and four of our trading partners: Peru, Panama, Colombia, as you point out, and South Korea. Those have not been transmitted to the Congress, but it does start the clock.

And in discussions with the chairman, I know the chairman has been focused. As you know, he visited Peru and Panama. I am not sure he visited Panama, I just talked with the Panamanians. Surely those two groups are the focus of the committee at this point, on Colombia, focused, as well as South Korea.

As I discussed with my friend earlier in the day, I am hopeful that the chairman, the chairman believes that Peru will be the first of those to move. We are hopeful that those, that that agreement will move, and then we will have to see the scheduling for the other three. But I do expect Peru to move, hopefully, within the next 30 days, or about, somewhere probably early next month.

Mr. BLUNT. I have a couple of other questions that are more in the long-range view of schedule. One would be on appropriations.

Mr. HOYER. I will tell the gentleman that I am not very good on long term. We found a lot of contingencies coming up.

Mr. BLUNT. This week even short term was a challenge.

Mr. HOYER. That's right.

Mr. BLUNT. But on appropriations, we have around 3 weeks left in this fiscal year. The Senate, I believe, has only passed one of their appropriations bills.

I am wondering if we can begin to anticipate in any way when we are going to have a bill or a CR, either one, that will move us to where the government continues to do what it has outlined to.

Mr. HOYER. The House, as the gentleman knows, has passed all 12 appropriation bills. I might say we did so, for the most part, with bipartisan votes, significant bipartisan votes, not necessarily a majority on each side, but significant bipartisan votes.

The Senate, as you point out, has passed two, although I understand that we just read across the desk, the military construction bill was just reported with a request to go to conference. We are hopeful that the Senate will pass other bills within the near term.

It's my understanding that the Senate does expect to be moving a number

of the appropriation bills in the next 2 weeks.

The fiscal year ends, of course, September 30. If we have not passed those appropriation bills, we will have to make an accommodation to keep the government running. We usually do that in the form of a continuing resolution, a CR, as we call it, which simply provides for the continuation of funding of government at present levels until such time as we can complete the appropriation process.

We are hopeful that we will complete the appropriation process in the near term. I won't define the near term, but we are hopeful that it will be nearer rather than further apart; but we are looking at all the alternatives that will be necessary to keep government operating as the American public expect and as we expect it.

Mr. BLUNT. On the appropriation bills, again, as I reminded the majority leader earlier today, the Republicans voting for the appropriations bills, most of them had a number of Republicans that would sustain a Presidential veto if that turns out to be the result. I would anticipate that we need to be thinking about how we move this as quickly as possible.

In that regard, the Senate has already produced a fall calendar for their Members. Our Members would benefit as early as possible to having a sense to where, if we are not going to be here in the fall, I think the Senate intends not to be here the week of Columbus Day and maybe the week of Thanksgiving and maybe the week after that. I wonder if the leader can give us any sense of when to expect a fall calendar or your views on that at this point as Members make their plans for the fall.

It appears the Senate, by the way, it appears our friends on the other side are scheduling as if they intend to be here for quite some time.

Mr. HOYER. The Members already have a fall schedule. It's the Senate that wants a winter schedule, and I am somewhat concerned about that.

As you know, initially Mr. BOEHNER, my predecessor as the majority leader, had projected October 3 or thereabouts, 4th or 5th. When I became the majority leader, it was my responsibility to address the schedule.

I thought we would need at least another 3 weeks, so I added on to, I believe, the 26th of October, which is a Friday.

Since that time, of course, the leader of the Senate has announced the schedule that you just observed, with a week off at Columbus Day. We do not have that, of course. We have Columbus Day, returning Tuesday at 6:30. That has not been modified at this point in time and, frankly, I don't expect to modify it.

It doesn't mean it won't be, but I have no plans to modify that expectation at this point in time. Frankly, I would like to see us do as much work as we possibly can by the October 26 date that we have projected as our date. We will see where the Senate is at that point in time.

But in answer to your question about the fall schedule, sometime in the next 2 weeks, probably not this coming week, because we are not going to be here most of the time, but the following week, in discussions with the Senate, we intend to have some discussions with the Senate leadership with Mr. REID, the majority leader, next week, to determine more precisely what he anticipates being able to do, and, therefore, what our responsibilities will be to be here to respond to what the Senate does.

As I say, we put all the appropriations bills on their plate, if you will. We need to pass those, or, in some form, pass funding for the various agencies.

So the answer to your question, Mr. Whip, is that we expect to have some more precise formulation for the fall and hopefully not winter schedule by the, not next week, but the following week.

We are aware of the fact, and I used to hear from everybody, now I am hearing from everybody on both sides of the aisle, they understandably want some certainty in the scheduling so they can schedule their work in their districts.

I understand that. We are going to try to accommodate that.

Mr. BLUNT. I thank the gentleman for his response. Time in the district is important to the Members. It's better used, of course, if they can have some anticipation of that time.

My only suggestion would be that at this point in the year we normally don't know when we are going to finish, but it might be possible to come up with some blocks of time that even if we are working, we would know that we would not anticipate being here during those blocks of time. That would be helpful.

Mr. HOYER. I want to thank my friend for joining in discussions on that issue before we came to the floor today. I think the gentleman is correct. I think Members would find that useful. If we can accommodate that, I would like to do that.

Mr. BLUNT. I thank you for that information. I know we all look forward to the report early next week from Ambassador Crocker and General Petraeus. Even though, because of the focus on that schedule being here one day, I think it's an important day for Members to be here, and appreciate the fact that we have scheduled it in that way.

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

ADJOURNMENT TO MONDAY, SEPTEMBER 10, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debate; that when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, September 11; that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, September 14; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, September 17, for morning-hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 19, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 19, 2007.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1600

ENOUGH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, the new military strategy in Iraq is simply not working. President Bush misled Congress and the American people when he led our troops into Iraq. To this day, he continues trying to mislead us, most recently with reports that violence is down in Iraq since the surge of the United States troops. This is absolutely untrue, and I am utterly shocked at the audacity of this administration and many of my Republican colleagues to so boldly manipulate the facts to serve their own political agenda.

Overall, violence in Iraq has risen since the troop surge. That's right, violence has risen.

Newly released statistics for Iraqi civilian deaths in August show a 20 percent increase since July. The President and the Pentagon are picking and choosing which numbers will be included in death tolls to give the appearance that the violence is down.

According to information from the Iraq Study Group and the Center for Strategic and International Studies, they do not count deaths of people who have been shot in the head from the front. They do not count deaths of Shiite or Shiite violence which is on the rise in the oil-rich south, nor do they count the intra-Sunni violence in the Sunni Triangle.

Mr. Speaker, it is reported they are not even counting deaths from car bombs. We read about deadly car bombs in Iraq nearly every day, and these deaths are not being counted by this administration.

I'm also greatly concerned about the Defense Department adjusting its figures for sectarian killings in the 5-month period before the surge began. There's a major discrepancy between the data on the March 2007 report and the June 2007 report for this period. The original number of approximately 5,500 deaths was increased to 7,400, offering the appearance of significantly decreased violence since the troop surge began.

I must ask, why is this administration working so hard to create the appearance of success in Iraq? Is it to justify the more than $368 billion we have spent since the inception of Operation Iraqi Freedom? Is it to rationalize the staggering $10 billion a month we continue to spend in Iraq while we put the lives of our brave soldiers at risk?

During every month of 2007 there have been more U.S. military fatalities than in the same month of 2006. How can anyone possibly say that this new surge is working?

Mr. Speaker, I was hopeful that the administration had perhaps begun listening to the cries of the American people to bring our troops home when reports over the last couple of weeks indicated that General Petraeus was considering a draw down of our current troop levels.

Unfortunately, we learned today that our hopes of redeployment of our military servicemembers will continue to fall on deaf ears, as General Petraeus announced earlier today that he has no intention of scaling back our troop levels in Iraq. In failing to do so, this Nation's attention will remain distracted from adequately protecting the home front, building an adequate health care system, reforming Social Security and decreasing the deficit.

Mr. Speaker, President Bush loves to talk about the success of the al Anbar province where he made a surprise visit for a photo opportunity on Labor Day. But there are many conflicting opinions about why violence has decreased, whether or not this is the result of the troop surge, and whether the success in this region is indicative of success in other more complex regions of the country.

Many believe this success may be the result of multilayered issues. It may be an indication that ethnic cleansing has been completed in many neighborhoods and that there are just not as many people left to kill. It may be the result of militants moving to other regions of the country where violence has increased. It may be the result of Sunnis befriending the United States simply as a means to accomplish a larger goal of stepping back into power. It may be the result of Sunnis finally rejecting the routine abuse by al Qaeda. It may be a combination of all of these.

Regardless, we cannot ensure that any success in al Anbar is a result of the troop surge, nor can we ensure that this success can be transferred to other parts of the country. In fact, the overriding component of ensuring success in Iraq is political reconciliation, as pointed out by the GAO and the Jones Commission before the House Armed Services Committee this week.

Military and security progress cannot be made without political reconciliation, which will open the door to resolving the underlying issues that have caused sectarian violence in Iraq.

President Bush has yet to discuss the failing grade given by the GAO to Iraq on political reconciliation.

Mr. Speaker, ignoring reports and underreporting violence is not the answer. This administration has misled the American people for far too long. Enough is enough.

IN GOD WE TRUST

The SPEAKER pro tempore (Mr. KAGEN). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I hope my colleagues can understand me. I've got a little bit of laryngitis.

Mr. Speaker, directly across from me, at the top of the Chamber is a depiction of Moses, and behind me, above the Speaker's rostrum is words, ''In God We Trust.''

There are a lot of people in this country who have tried to get all symbols of religion, belief in God taken off of all public properties and coins and currency. Recently, there were thousands of coins minted without ''In God We Trust'' on them, and now they're talking about putting ''In God We Trust'' in an obscure place on coins so that people can't read it, right on the edge of the coin. I think this is—we're moving in a very, very wrong direction.

This country was formed with a firm reliance on God Almighty, and when we start taking God out of everything, as some people want to do, we run the risk of having him turn his back on us. This Nation was formed and was founded with people praying every day in the Second Continental Congress when we had the Declaration of Independence and in Constitution Hall because they couldn't come to an agreement, and by prayer and supplication they were able to reach agreement; thus, we have the Declaration of Independence, and we had our Constitution that has made this country so wonderfully powerful and respected around the world for the past 250 years.

Those who try to take God off of all things governmental, such as coinage or currency or in this Chamber, are making a terrible mistake, in my opinion. And I'm going to be introducing legislation that will demand or mandate that ''In God We Trust'' be maintained and retained on our currency and on our coinage in a prominent place.

Once you start turning your back on the good Lord, I think you are going to reap the whirlwind, and this is something this Nation cannot afford to do right now.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FAA AIRSPACE REDESIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the Federal Aviation Administration has come up with a proposal to redesign the airspace around New York, New Jersey and the Pennsylvania area. Despite all the opposition and all the concerns of the people affected, lo and behold, the FAA made no significant changes in their final proposal. Full steam ahead, business as usual, the public be damned.

So I stand today in strong opposition to the FAA proposal to redesign the airspace around New York, New Jersey and Philadelphia. Specifically, I am disturbed by their actions surrounding the proposal to route up to 600 airplanes a day over Rockland and West Chester Counties in New York, which I represent.

The FAA created that proposal with zero input from the people whose lives would be most harmed by this proposal. In fact, even when I brought this up to the FAA in a meeting in my office, it took over a week of urging before they would even agree to attend a public forum that I held in Rockland.

They also conducted this entire process over the course of several years without any kind of adequate notification. My constituents expected better and they deserved better.

Throughout this process, we have seen, time and time again, that the FAA would ignore the opinions and suggestions of myself and anyone else who would be affected by their proposal. Valid suggestions that would improve this proposal were written off without serious consideration.

The FAA is trying to push through a proposal that doesn't make sense, and they are refusing to accept any changes.

But the plan itself is not my only problem. The misleading tactics and the stonewalling by the FAA only add to this issue. Every effort I and my constituents and some of my colleagues have made has been met with bureaucratic resistance while, at the same time, the FAA has laid down strict deadlines for comments and changes.

Just as an example, I tried multiple times to get an answer for how loud it would be when an airplane flies over us. This is critical information since overflights will be happening up to 600 times a day. All the FAA would tell me were 24-hour noise averages, which tell me nothing. Noise averages mean nothing to us. A room could be silent for 23 hours and have a 140-decibel rock concert for an hour, and the noise average would be something around a whisper. This is just one example of the FAA providing incomplete or misleading information.

In addition, every document the FAA has sent to my office, from the original proposal to the record of decision, has been extremely complicated and vague. I've been living in New York my entire life, and I was unable to interpret the maps of where the planes would be flying over my district. If my staff and I, who are knowledgeable about the region, are unable to decipher the maps, how is the general public supposed to know where the airplanes will be flying over their homes? The answer is that they will not, and that's just what the FAA wants.

It would be easy for the FAA to publish good maps of the area. They could use maps that are labeled with names of cities, streets and bodies of water. They could draw lines of these maps signaling precisely where the planes would be flying and at what altitude, but they chose not to do so. They chose instead to provide strangely colored maps with very few labels, so it was nearly impossible to figure out where the planes would be routed. It is this type of complex and misleading information that makes me and my constituents distrust the FAA.

And finally, let me say the agency has deliberately manipulated information that it is giving out to be public. For example, my office sent in over 25 pages of comments from over 60 constituents. We also sent in a petition signed by nearly 100 local residents, and finally, we sent 237 pages of a transcript from a public town hall meeting I held in Rockland, which was attended by well over 1,000 people. Dozens of people spoke, not one of whom supported the plan. But the spokesperson for the FAA was quoted in the newspaper claiming they had only received five comments from affected people. Five. This is dishonest. This is unacceptable from an agency that is supposed to represent all of the people in the country.

Mr. Speaker, when the Transportation-HUD appropriations bill came to the House for a vote, I strongly supported an amendment to eliminate funding for this airspace redesign proposal. I did this, not only to express my dislike for the proposal, but also to send a message to the FAA that they cannot treat Americans this way. And I will continue fighting this.

And finally, let me say to my colleagues, this may only right now concern the northeast corridor, but if the FAA can get away with running roughshod over Members of Congress, over constituents, over Americans, they can do it in any region of the country. We need to fight this. This is wrong. If it can happen in the northeast, it will happen all over America. We must fight this plan, and I will continue to fight it.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, pursuant to section 306 (b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates for the House Committee on Education and Labor for fiscal years 2007, 2008, and the period of 2008 through 2012. These revisions represent adjustments to the Committee on Education and Labor's allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the conference report to accompany H.R. 2669, the College Cost Reduction and Access Act. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, these adjustments to the budget allocations and aggregates apply while the conference report accompanying H.R. 2669 is under consideration and will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, revised allocations made under section 211 of S. Con. Res. 21 are to be considered as allocations included in the budget resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:.						
Education and Labor	13	4	−150	−145	−750	−742
Change in College Cost Reduction and Access Act (H.R. 2669):.						
Education and Labor	−4,890	−4,890	−176	−842	5,754	4,888
Revised allocation:.						
Education and Labor	−4,877	−4,886	−326	−987	5,004	4,146

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008 [1]	Fiscal Years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,255,570	2,350,357	n.a.
Outlays	2,268,649	2,353,992	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in College Cost Reduction and Access Act (H.R. 2669):			
Budget Authority	−4,890	−176	n.a.
Outlays	−4,890	−842	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,250,680	2,350,181	n.a.
Outlays	2,263,759	2,353,150	n.a.
Revenues	1,900,340	2,015,841	11,137,671

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1615

THE TEXAS/MEXICO BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE. Mr. Speaker, last week I got to go down to the west Texas town of El Paso, that town that Marty Robbins sang that famous ballad about. It was one of my several trips to the Texas/Mexico border since I've been in Congress, now almost a dozen times down along the Rio Grande River.

The Texas border with Mexico, the river border, is 1,248 miles long. That doesn't mean much, but it's the same distance from New York City to Kansas City. And I spent last week in two of those counties, the furthest west county, El Paso County, and the second county to the east, Hudspeth County.

I met with the Sheriff's Department in El Paso County, and Sheriff Leo Samaniego and his chief deputy, Jimmy Apodaca and Public Information Officer Rick Clancy, all El Paso natives, took me around the area of El Paso city and the County of El Paso. I'd like to describe the scene that I saw there.

In El Paso, El Paso is a community of about 500,000 people. Across the Rio Grande River is Juarez, Mexico, a community of over 2 million individuals. Juarez, unlike some border towns, is a thriving area. The economy is booming. And across the city of El Paso, on the Rio Grande River, there is an 18-mile fence. And let me describe that fence between Mexico and the United States. The Rio Grande River is to the south. The next thing you see is green

space, it's primarily dirt, for about 200 yards. And then there is a fence, a fence that protects the canal that runs on the northern side of the Rio Grande River. You see, the canal has more water in it sometimes than the Rio Grande River does. And it's a manmade canal. It's full of water most of the time. So there's a fence on each side of the canal.

Then there is a road that the Border Patrol patrols, and then there is yet one more fence before the highway there in the city of El Paso. And this fence has been there for some time. And along that 18-mile stretch in the city of El Paso about every quarter of a mile on the road, the Border Patrol road, there is a Border Patrol vehicle. And we saw numerous of those vehicles while I was there those several days. And it seems to me that area is very well protected, and no one crosses into the United States because of those three fences, the canal, and the presence of the Border Patrol.

Before the fence was there, the border was basically wide open and people came right across into El Paso and dodged traffic there on the main streets. According to the sheriff's department, since the fence has been built in the city of El Paso, crime in El Paso has dropped 60 percent. So the Border Patrol, working with the local law enforcement, seems to do a good job of keeping people, especially criminals who want to come in and commit crime in El Paso city and flee back to Juarez, from coming into the town. The situation is somewhat different as you move on further down the river.

Before I mention that, I would like to mention a couple of things that I did observe. In the mornings we went out to the several crossings into the United States, the legal crossings, and observed people coming in from Mexico to the United States. At about 6:15 in the morning, very early, was when these photographs were taken. Now, these photographs were taken by the Rio Grande River, and turning around, these photographs are taken of students going into El Paso city. And you will notice they have on school uniforms. This individual is even carrying a set of golf clubs that he brought from home, I suspect, to go to school. Here are some kids down here earlier in the morning, and they also have their backpacks, their school uniforms, and they are headed into the United States.

How do we know they were school students? Well, many of them were wearing the T-shirts of the colors of the elementary school, purple and blue and green and red, or gray. And hundreds of these kids cross the border into the United States every day from Mexico to go to school in the United States. At the end of the day, all of these kids, some of them escorted by their parents, cross back over into Juarez, Mexico, to go home. And this is a daily occurrence when school is in session.

It seems to me that the United States is funding the education of foreign nationals that not only don't live here; they live somewhere else and come to our schools all at the expense of taxpayers in the United States. People who pay their taxes, live here legally, whether citizens or not, fund the education system for people in some other nation on a daily basis.

I went to some of the local high schools and noticed how some of the students would drive up in their vehicles and they would have Mexican license plates on their vehicles. Two apparently had crossed the border that morning, coming into the United States, going to American high schools, and turning around at the end of the day and going back home. It seems to me that this ought not to be.

The sheriff's department tells me that about 40 percent of the El Paso school system is made up of citizens from Mexico that come across each day into the United States. Statistics are hard to find. The El Paso school district seems to disagree with that.

And you will notice these aren't poor kids coming over. These are kids that are just basically middle-class kids coming to the United States. And we took numerous photographs of those kids. Here are some of those just for your benefit.

But as we moved out of the city of El Paso, which, like I said, seemed to be a secure place for basically illegal traffic coming in except for maybe situations like where the ports of entry are not screened or protected very well by the border protectors, there seems to be no presence of the Border Patrol outside the city of El Paso throughout the rest of the county. Let me try to explain that area.

This is a map of a partial area of the towns and locales that I went to last week as a guest of the sheriff's department. You will notice up here in the far western portion of Texas that borders Mexico is the city of El Paso, this yellow area here. The city of El Paso, like I said, has that 18-mile fence. As soon as you get out of the city of El Paso and go down to the county line of El Paso, things are a lot different and the presence of the Border Patrol was a lot different, in my opinion.

First of all, of course, there is no fence that was built like the one that I just described. As soon as you get out of the city of El Paso, there's no fence of any type.

So I traveled along with the sheriff's department of El Paso County to these different small little towns along the border, border towns. Fabens, Texas, we all heard about Fabens, Texas, where the Border Patrol officers got arrested and convicted for trying to apprehend a drug smuggler. That's a different story for another time. And these other small towns all along the border.

The way the situation is on the border and how I will describe it is to make it clear on how easy it is to cross into the United States. Of course, there's the Rio Grande River. Depending on where you go, there is sometimes not even water in the Rio Grande River. And as soon as you cross the Rio Grande into the United States, there is a Texas highway, Highway 20, that runs the length of El Paso County and part of the next county, Hudspeth County. That road is about 3 miles from the border. And then you go an additional 2 miles along the border, this entire area here, and there is Interstate 10 that travels all the way from Florida through Texas to California. So it is about 5 miles from the border to Interstate Highway 10.

The area is flat. The area has brush, and it's low brush and it's thick brush, very easy to hide in that area. And at night you can see above that brush for miles. You can see from the Rio Grande River all the way to the interstate where all of the vehicles are traveling up and down the interstate.

So we visited these little small villages in El Paso County and talked to some of the individuals that were there, that lived there, that have lived there, their families, for generations. And this was probably the most, shall I say, expressive bunch of people that I have ever met. These farmers and ranchers that live on the Rio Grande River on the Texas side, the American side, and what they are going through and their property has been tampered with because the Federal Government doesn't secure the border. These ranchers, these villagers, they all live right on the Rio Grande River. They live between the river and Interstate 10. Some of them live south of Highway 20, right on the river. And I met with one of those locals, and he said that he felt like our own government has deserted the ranchers and farmers in the rural areas of our country. He said he waits sometimes a long time for the Border Patrol to show up when they are called.

And here is the reason for that: it would seem to me the Border Patrol ought to patrol the border, which is the Rio Grande River. The Border Patrol, it seems to me, ought to be on the border to protect the border. But most of the time they are not on the border. They are on Interstate 10, which is 5 miles from the border, driving up and down that area. Well, if people get to Interstate 10, they are already in the United States. And if they can cross into the United States, it's very easy to get picked up on Interstate 10 or even Highway 20 here and dispersed into the United States.

So what happens is, because of this policy of keeping the Border Patrol on Interstate 10 for the most part, you leave these ranchers, these farmers, and these people who live in these small villages and towns in no-man's land. And I visited in many of these small villages and these very small homes on the American side, and I was shocked to see the bars on the windows and how the people have tried to protect their property from just the criminal element that crosses into the

United States because they are, in their opinion, without adequate protection.

We need to enforce the border on the border, not have a policy that puts the Border Patrol 5 miles from the border on Interstate 10. And, of course, that is what the farmers and the ranchers said as well.

It was interesting to hear from these farmers and ranchers, and they would talk to me. They all met together in one of their farmhouses and talked for several, several hours on this tremendous issue. And they said that they see everybody coming across, that the days and times have changed. It used to be that this border was basically fairly open. I mean by that there would be crossings on both sides, Americans into Mexico, Mexicans into the United States. There would be landowners on both sides who would do business with each other. But those days are over. The people coming over now, according to these farmers and ranchers, are criminals. Not all of them, but many of them are. And they destroy their property. They destroy the vehicles that they have. They steal their property.

And we have heard much about a virtual fence. A virtual fence. What is a virtual fence? It means there is no fence, but there are cameras that watch the border. And I will give you an example of how the virtual fence works along this area. There are cameras, and some of those are maintained and monitored. And on three different occasions, I saw through a vision in heat sensor cameras illegals coming into the United States across the border. The Border Patrol was notified to come to those areas and pick up these people bringing in whatever, drugs, or just coming into the United States.

In one instance the Border Patrol took 45 minutes to get to the location. They were being directed by the person watching the camera to where the illegals had crossed, and they were within 30 feet of them and still couldn't see them because, you see, that brush is so thick. And they were hiding 30 feet away, and finally the Border Patrol left that area. And those particular three individuals that were hiding in the brush had on baggy clothes, the kind that drug smugglers bring in when they pack their bodies with drugs to smuggle into the United States.

Let me mention this about the Border Patrol. I think the Border Patrol agents that work on our border do as good a job as our government will let them do. They are fine people. But they have to follow the policies of somebody else, I think probably people here in Washington, DC, maybe folks that have never even been to the border. So they do what they are told to do, and they patrol the area they are told to patrol. It would seem to me that we ought to have our Border Patrol working more hand in hand with the locals, the sheriff's department, and patrolling closer to the border.

But the virtual fence, it's virtual all right. People are still able to cross in through that virtual fence.

It is interesting that the sheriffs and the deputy sheriffs that work out there, they are a little different than the Border Patrol. Like I said, nothing against the Border Patrol. We need them. We need more of them. We need more boots on the ground, probably more boots on the ground than we do other things. But the sheriffs' deputies and the sheriffs, they all grew up there. They all are from there. They know the people who ought to be there and the people who are from some other place. So we certainly need to use them as well.

The farmers, what do they grow down there in southwest Texas anyway? They used to grow cotton. They don't do that anymore. But this whole area here has pecan orchards, and you will drive down by the Rio Grande River, once again south of Interstate 10, and you will see pecan orchards. Pecan orchards, that's what they grow. But they are orchards that have to be irrigated. And the problem the farmers have is that so many people are crossing across their orchards that they are tearing up their crops. They say on an average they have, each one of them, four to five groups of anywhere from 30 to 50 people a day crossing their farm orchards, in many cases tearing up the property.

But let me tell you some of the experiences that they have had. One farmer noticed that there were some illegal people coming across his land. He goes out and he apprehends them, holds them for the Border Patrol. It turned out that these two individuals apparently were from Honduras. They are called OTMs in the vernacular, ''other than Mexicans,'' because, you see, everybody is crossing in. We shouldn't just say things about Mexico. It's not just illegals from Mexico; it's from many other countries, including Honduras.

□ 1630

So he holds them for the Border Patrol. The Border Patrol comes and arrests these two individuals, takes them out of his custody, takes them over and turns them into the immigration services. One thing leads to another and they are released on their own recognizance to come back for an immigration hearing sometime later. You see, that's what happens to many OTMs. If you are ''other than Mexican,'' you're not held, detained and deported. You're held for a while, and because there are not enough detention facilities, they're released on their word to come back for their immigration hearing, deportation hearing, shall I say. It would not surprise us that most of those people never come back for that hearing.

But anyway, these two individuals are apprehended; they're released from custody. And guess what? Two days later, this farmer had his pecan orchard burned to the ground. I wonder who did that? You see, it's ironic and silly to arrest these people from other countries, no matter where they are, hold them and release them back into the community, especially when they commit crimes, and most of them never appear back at that court hearing.

There are farmers and ranchers down there that don't want to leave their land. But I will tell you this, they are mad, they are angry, and as many of them said, they are disappointed that, in their opinion, and I will quote one of them, that the American Government has written off the rural farmer along the border. Because of whatever reason, there is no security in their opinion. Rural America has been given away by outlawry by our government, and this ought not to be.

So after we went through with the sheriff's deputies in El Paso County, wonderful people, we went over to Hudspeth County, which is the adjoining county. Most Americans have never heard of Hudspeth County. Let me describe it for you. It's 5,000 square miles. It's the size of Delaware and Rhode Island put together, and it's just one county in Texas. It has 100 miles that borders the Rio Grand River, so it has 100 miles of border.

On patrol in Hudspeth County is Sheriff Arvin West, and what a right-thinking American he is. He has 12 deputies to patrol this whole area. In other words, on any given shift, any time of the day, there are three deputies that patrol the entire county that borders Mexico. Now, you notice, Mr. Speaker, part of Interstate 10 is very close to the border, 5 miles, along with Highway 20, which is 3 miles from the border. And then about halfway down at Sierra Blanca, the road changes and it goes on off through Houston to Florida.

But this area here, of course, is an area that we went through. The sheriff's deputies, Sheriff Arvin West and his individuals that work for him, took me through that area. And we traveled right on the border. There is a dirt road on the American side.

Let me mention this: you see this road over here, Highway 2, Mexican Highway 2. Of course you see it runs along the border as well on the other side. And so there's a dirt road right on the border. And we traveled down this dirt road, sandy road, the river is right next to us. And we traveled for 30 miles on this road, took about 3 hours, before we saw one Border Patrol agent. It surprises me that we weren't that quiet going down that area, and the first time we saw a Border Patrol agent was 30 miles down river where we had been traveling.

But let me tell you about Arvin West. Arvin West, sheriff of this county, makes $36,000 a year. His 12 deputies, who are all patriots, who most of them are Hispanic, make $26,000 a year. But to a person, they are determined to secure their border because of the crime problem in the United States for failure to secure the border.

You see, they have to patrol all these little towns here, Fort Hancock and McNary and Sierra Blanca. These are all their little small towns that are in their county. And these towns have crime problems because of that crime coming from Mexico. So they want the border secure.

And let me say this at this point: this is an issue about border security, this is not an issue of immigration. That's a totally different issue. Border security is the issue, and we must, as a Nation, secure our border. And these sheriffs that live along here, the border sheriffs, each one of them believes the border should be secure because of the crime that is being committed.

But we traveled down this area. And I'd like to show you or mention a couple of things that I observed. Going down the river, we stopped. This is at night, in the middle of no place. And we came across a trolley that was built across the river; now that's what I call it. It had a steel cable running from one side of the river to the other with a bucket in it, or a trolley. And apparently people can go back and forth across that trolley into one country or the other. And that disturbed me to some extent. But we then traveled down and saw something else that I think was a little more disturbing.

This photograph here, Mr. Speaker, is a foot bridge taken on the American side, obviously, over into Mexico. You notice it's a steel foot bridge. It has rails on it. It probably would meet OSHA standards. And the only thing that goes across there are people. But you notice, of course, Mr. Speaker, how the land is trampled down on the Mexican side, how there is trash over here, and on this side there is land trampled down as well. There is in Hudspeth County. And there are 10 of these in the area. Who built them? They're still trying to find that out. Is it guarded? It is patrolled? Are people there watching to see if people come into the United States? No. These foot bridges exist for the sole purpose of letting people, apparently, cross into the United States. If they serve some other purpose, I don't know what that is.

But that disturbs me to some extent. Here we have in El Paso basically three fences and a canal trying to protect the United States from people coming in illegally. And we just moved to the county next to it and we see these things that are built to allow foot traffic to come into the United States. This ought not to be.

And of course once they come into the United States, they can see the interstate, which is just 5 miles away, and make their way up to the interstate, get picked up by someone flashing their lights at them, and move on down wherever they wish to go into the far most areas of the United States. This is a bridge that is a convenience for people who wish to cross into the United States illegally.

On down the river and up the river there are many places where the river is low and there are washouts, where water has come from either Mexico or the United States to go into the Rio Grande River. And these are perfect places that are used by drug smugglers to smuggle drugs into the United States from Mexico. Once again, once they cross into the United States, they make their way, under routes that they have planned, to the interstate and move those drugs east, west and north.

But it was interesting to see that there were places where the roadbed, or shall I say the riverbed looked like it had been filled in, where some vehicle had come in, Caterpillar tractor, and had smoothed down the river so that vehicles crossing into the United States wouldn't get stuck in the mud.

Now, I asked the sheriff's department about that, and they said, well, sure, every once in a while there would be a Caterpillar tractor parked on the Mexican side just sitting there. And they're sitting near these areas where drug smugglers come in, and the next day that Caterpillar bulldozer has come down there to the river bank, made a road for drug smugglers to bring drugs into the United States. And I asked Sheriff West, well, what do you do about that? He said, as soon as we see those, of course we're not down there 24 hours a day, neither is the Border Patrol, we tear up the river way so that those vehicles can't come into the United States. But a few days later, once again some bulldozer has come in and laid the river smoother and drier so that vehicles can come into the United States, sitting there waiting to move the illegal narcotics into our country.

You know, drug trafficking is a major reason we ought to secure the border. Those people who come here to do us harm is another reason to secure the border, whether those are just basic outlaws or whether those are people who wish to set up cells at the right time to do this nation damage. And in little area here that I'm talking about, well, it's a big area that I'm talking about, makes it easy for them to come into the United States.

Now, Sheriff West doesn't have much of a budget. In fact, he has such a small budget that he really doesn't have any vehicles. It's hard for me to understand how a sheriff's department can operate without vehicles, but here's what he does and many of the other sheriffs along the Texas-Mexico border. When they capture a drug dealer, they confiscate his vehicle, and by law they're allowed to keep that vehicle after they go through the proper channels to seize it. So most of his vehicles have come to the sheriff's department with the behest of the drug dealers. And so they're driving drug dealer vehicles, SUVs, very nice vehicles that they have confiscated from drug dealers. And those are the vehicles, the patrol vehicles, most of them trucks, pick-up trucks or SUVs so they can patrol up and down this entire county. They've even seized an 18-wheeler and put the sheriff's logo on it.

You know, I admire people like Sheriff West, the sheriffs along the border who will do what they need to do to secure the dignity of the United States.

The sheriff's department also mentioned to me about something we've heard about here in Congress, I've never seen it myself, but we hear reports about the Mexican military coming into the United States for different reasons, all those reasons are probably no good, and whether that's true or not.

On this road, on Interstate 10, there is basically nothing on Interstate 10 except vehicles, mostly trucks, but there is a massive truck stop on Interstate 10. And it is not uncommon, according to the sheriff's department here in Hudspeth County, to see the Mexican military wearing their uniforms going into this truck stop for whatever purpose they have. It's interesting that they say, of course, that it's not unusual for drugs to be accompanied by the Mexican military into portions of the United States.

So if we have the military from another country coming across our borders without our permission, I would hope that that would disturb Homeland Security to some extent, that they would prevent that from happening, or at least quit denying that it occurs.

So apparently to me it seems we have moved the U.S. border from the Rio Grande River to Interstate 10, 5 miles inward. We have left all this area as no-man's land. You live there at your own risk of drug dealers and criminals coming across, and this ought not to be.

It's unfortunate that this situation occurs, but it is the duty of our country, of course, to make sure it doesn't occur any longer. The failure of the Federal Government to secure the border allows everybody to come in here. We get the good, we get the bad, and we get the ugly, and we're getting a lot of bad and ugly because this border is not secure. So we secure our border. We do what we need to do. We have to have the moral will to secure the border. If we did, the border would be secure. We secure the borders of other nations. We secure the Korean border. Why don't we secure the American border? We secure the borders of other nations throughout the world. Why don't we secure the American border?

Third World countries protect their borders better than we do. Why? Because of all of those political reasons and all of those people that have political agendas keep our government from doing what it ought to do, and the first duty of government is to secure the nation. And I would hope Homeland Security would go down to the border and see it the way it really is.

Mr. Speaker, we hear about violence on the border. I heard a lot about it down there. We don't get too many news reports about the violence on the Texas-Mexico border or anywhere else along the southern border with Mexico, but I would like to read a dispatch

from the Hudspeth County Sheriff's Office on September 5, which was 2 days ago. This dispatch reads: At approximately 9:56 a.m., the U.S. Border Patrol at Fort Hancock Station, there's Fort Hancock, that's a little bitty place with just a handful of people living there, the U.S. Border Patrol at Fort Hancock Station called the Hudspeth County Sheriff's Office requesting assistance from the sheriff's office and highway patrol with a vehicle that was being pursued on Interstate 10. It was westbound at the 68 mile marker. So the vehicle was going this direction, headed west. The vehicle had crossed into the United States from Mexico and was loaded with approximately 800 pounds of marijuana. The vehicle was a 2005 GMC Yukon, light gold in color. The pursuit went into El Paso County, the next county over, and then turned back eastbound toward Tornillo, Texas. Hudspeth County Deputy Keith Hughes, stationed in Fort Hancock, Texas, joined in the pursuit. Deputy Hughes was able to negotiate his way to the front of the pursuing law enforcement vehicles.

The driver of the Yukon exited Interstate 10 and drove south on Acala Road toward the United States and Mexican border. Right in here, this little road. The United States Border Patrol set up road spikes on Acala Road. The driver of the Yukon hit the spikes, but continued traveling through Acala Road and Texas 20 in Hudspeth County.

Upon crossing Texas 20, the driver of the Yukon exited the vehicle and ran south to the United States and Mexican border. Deputy Hughes and the U.S. Border Patrol began a foot pursuit. The driver was captured by pursuing officers. During the foot pursuit, automatic gunfire was heard from the direction of the United States and Mexican border. Sheriff Arvin West ordered the area south of the capture site to be cleared of any persons in danger, and to seek out and find the person or persons responsible for the gunfire.

Once there were sufficient sheriff deputies on the scene, Chief Deputy Mike Doyle organized and led the deputies to the border area for the search.

□ 1645

After a thorough search of the border area south of the capture site, it was determined that the automatic gunfire came from the Mexican side of the United States-Mexico border. The Hudspeth County Sheriff's Office conducted a search of the border area alone because the agents of the United States Border Patrol were ordered not to engage at the border. And that is a dispatch that I didn't see printed in any newspaper in the United States about the violence, the drug dealers and the drug cartels along our southern border.

Mr. Speaker, it is a serious situation on the Rio Grande River. Like I said earlier, this is not an immigration issue at all. This is an issue about whether this country will secure its borders. I wonder whether a Nation that won't secure its borders deserves to exist as a Nation. It is the duty of our government to enforce the existing law. We have pontificated in this House ever since I have been in Congress about more laws on immigration, border security, comprehensive immigration reform. Why don't we just enforce the laws we already have? It is still against the law to come into the United States without permission, regardless of the reason. People from other countries don't believe we will enforce the rule of law in this country.

Otherwise, they wouldn't keep coming in the United States. And many times when they are captured, nothing happens. Our government has the duty to protect the people in this country from violence of criminals coming from other nations. Our country has the duty to protect citizens throughout the country from criminals coming from other places who we call terrorists. The next terrorist who is going to come to the United States probably is not going to fly over here and get off the airplane here at Reagan, and look around and see what damage they are going to do. They don't have to do that. They don't have to go through TSA screening. All they have to do is come across either our northern or southern border.

Mr. Speaker, our Federal Government has the duty to keep the Mexican military out of our Nation. It has no business being here for any purpose.

Mr. Speaker, many years ago, Marty Robbins wrote a song, a ballad about the west Texas town of El Paso and about how a cowboy lost his life because he was seeking the love of a Mexican lady by the name of Feleena. That ballad basically talks about the Wild West along the border and how it was violent at a time. Some things have changed along the Texas-Mexico border. There is some security. There are prosperous cities on both sides of the border. But there are other communities. These are small communities. These are small villages where real people live, too. Many live in fear of their life because our border is open. Times have changed because the type of people coming into the United States have changed. They are not all coming over here looking for work. Some of them are coming over here looking for mischief. They find that mischief. Much of that mischief is down there on the border where Americans live and legal immigrants live that are persecuted by criminals who come in to the United States.

So violence does continue on our border. It is imperative that we understand that and admit it so we can do something about it. Denying the truth is not a solution, but being openminded and realizing that, Mr. Speaker, I have only talked about two counties along the Texas-Mexico border, El Paso County and Hudspeth County. This border, like I said, is 1,250 miles long from El Paso all the way down to Brownsville. I have traveled almost the entire length of it as a guest of the sheriffs along the border. The situation is bad along that entire area. As you travel west through Arizona and through California, you find the same problems along the border, according to those sheriffs who live there and who grew up there.

So the obligation of our government is to do something to protect the dignity and the sovereignty of the United States and make folks understand that our government will protect them, their families and their property and keep them safe from intruders who come into the United States no matter what the reason, because, you see, it is still against the law to enter the United States without the permission of the United States.

We need to mean it. We need to do something about it. We need to put more Border Patrol agents on the border. We need to use the National Guard, and if necessary, a fence in appropriate areas. It won't work everywhere. But it will work in some places. Where it is erected, it has worked.

We need to do whatever it takes to make sure that the United States is a sovereign Nation and we do not lose this country to other folks who come over here and are trying to take it away from Americans and legal immigrants.

With that, Mr. Speaker, that is just the way it is.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order speech of the gentleman from Texas (Mr. POE) is vacated for today.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Mr. HOYER) for today on account of a family emergency.

Mr. ELLSWORTH (at the request of Mr. HOYER) for today on account of official travel.

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today on account of a death in the family.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. REICHERT (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Kentucky, for 5 minutes, September 10.

Mr. JONES of North Carolina, for 5 minutes, September 10.

Mr. POE, for 5 minutes, September 10.

ENROLLED BILL SIGNED

Mr. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, September 10, 2007, at 10:30 a.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers of Alabama, Mike Rogers of Michigan, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [EPA-HQ-OPP-2006-0889; FRL-8142-4] received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flusilazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2007-0428; FRL-8138-6] received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3208. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flutriafol; Time-Limited Pesticide Tolerance [EPA-HQ-OPP-2007-0327; FRL-8135-6] received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propylene Oxide; Pesticide Tolerance [EPA-HQ-OPP-2005-0157; FRL-8143-9] received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [EPA-HQ-OPP-2007-0349; FRL-8142-1] received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3211. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2006 annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

3212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Shipyard Facilities and Provisions for Distance Limitations, Setbacks, and Buffers in Standard Permits [EPA-R06-OAR-2007-0285; FRL-8460-2] received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans South Carolina: Revisions to Ambient Air Quality Standards [EPA-R04-OAR-2004-SC-0004-200706 (a); FRL-8457-2] received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Consolidated Federal Air Rule [EPA-HQ-OAR-2007-0429; FRL-8459-5] (RIN: 2060-A045) received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2007-0421a; FRL-8452-1] received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and San Joaquin Valley Air Pollution Control District Technical Amendment [EPA-R09-OAR-2007-0462 FRL-8458-9] received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions [EPA-HQ-OAR-2007-0164, FRL-8459-8] (RIN: 2060-AO01) received August 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Establishment of Interim Progress for the Annual Fine Particle National Ambient Air Quality Standard. [EPA-R01-OAR-2007-0373; A-1-FRL-8461-5] received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2006-1023; FRL-8464-8] received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Prevention of Significant Deterioration and New Source Review [EPA-R06-OAR-2005-NM-0006; FRL-8463-3] received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3221. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on server and data center energy efficiency, pursuant to Public Law 109–341; to the Committee on Energy and Commerce.

3222. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's annual report for Fiscal Years 2004, 2005, and 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Oversight and Government Reform.

3223. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Sixth Financial Statement for the period October 1, 2005 to September 30, 2006, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

3224. A letter from the Director, EEO and Diversity Programs, National Archives and Records Administration, transmitting a copy of the Administration's Fiscal Year 2006 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

3225. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's inventory of commercial and inherently governmental activities, pursuant to Pub. L. 105–270; to the Committee on Oversight and Government Reform.

3226. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107–174; to the Committee on Oversight and Government Reform.

3227. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting the Department's report entitled, ''Estimates of Natural Gas and Oil Reserves, Reserves Growth, and Undiscovered Resources in Federal and State Water off the coasts of Louisiana, Texas, Alabama, and Mississippi,'' pursuant to Public Law 109–58, section 965(c); to the Committee on Natural Resources.

3228. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Elimination of Exemptions for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine [Docket No. DEA-2841] (RIN: 1117-AB11) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3229. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Management of Federal Agency Disbursements (RIN: 1510-AB07) received August 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3230. A letter from the Deputy Executive Director, Reserve Officers Association of the United States, transmitting a copy of the Report of Audit for the year ending 31 March 2007 of the Association's accounts, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

3231. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill entitled, ''Railroad Rehabilitation and Improvement Financing Reform Act''; to the Committee on Transportation and Infrastructure.

3232. A letter from the Director, Office of Management and Budget, transmitting the FY 2006 annual report on the Federal participation in the development and use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3246. A bill to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; with an amendment (Rept. 110–321, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. H.R. 3246 referred to the Committee of the Whole on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than October 5, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN (for herself, Mr. BROUN of Georgia, Mr. BLUNT, Mr. PUTNAM, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. BIGGERT, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURTON

of Indiana, Mr. CAMPBELL of California, Mr. COBLE, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. ISSA, Mr. JONES of North Carolina, Mr. KELLER, Mr. KING of Iowa, Mr. KINGSTON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PETERSON of Pennsylvania, Mr. POE, Mr. PRICE of Georgia, Mr. REHBERG, Mr. ROYCE, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. SULLIVAN, Mr. TANCREDO, Mr. WAMP, Mr. WESTMORELAND, Mr. WICKER, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. BARTON of Texas, Mr. GOODLATTE, Mr. CANTOR, Mr. BARRETT of South Carolina, Mr. CRENSHAW, Mr. DOOLITTLE, Mr. FORBES, Mr. GALLEGLY, Mr. HALL of Texas, Mr. ROHRABACHER, Mr. LUCAS, Ms. GRANGER, Mr. LINDER, Mr. MCCRERY, Mr. MCCOTTER, Mr. BOEHNER, Mr. BONNER, Mr. MCHUGH, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. THORNBERRY, Mr. HUNTER, Mr. MANZULLO, Mr. CAMP of Michigan, Mr. BOOZMAN, Mr. LAMBORN, Mr. LAHOOD, Mr. TURNER, Mr. PLATTS, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. SMITH of Texas, and Mr. WELDON of Florida):

H.R. 3494. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Ms. CORRINE BROWN of Florida:

H.R. 3495. 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 Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 3496. A bill to debar or suspend contractors from Federal contracting for unlawful employment of aliens, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. BARRETT of South Carolina, Mr. MARCHANT, Mr. CARTER, Mr. HENSARLING, Ms. FALLIN, Mr. ISSA, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. DANIEL E. LUNGREN of California, Mr. PRICE of Georgia, Mr. FEENEY, Mr. HOEKSTRA, Mrs. MUSGRAVE, Mr. PITTS, Mr. LAMBORN, Mr. WALBERG, Mr. GINGREY, Mr. FLAKE, and Mr. CHABOT):

H.R. 3497. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal tax on fuels by the amount of any increase in the rate of tax on such fuel by the States; to the Committee on Ways and Means.

By Mr. HIGGINS:

H.R. 3498. A bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes; to the Committee on Financial Services.

By Ms. HOOLEY (for herself and Ms. WASSERMAN SCHULTZ):

H.R. 3499. 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; to the Committee on Energy and Commerce.

By Mr. KING of Iowa:

H.R. 3500. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, and Mr. VAN HOLLEN):

H.R. 3501. A bill to amend the Internal Revenue Code of 1986 to provide that indebtedness incurred by a partnership in acquiring securities and commodities is not treated as acquisition indebtedness by organizations which are limited partners for purposes of the unrelated business income tax; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. SALAZAR, Mrs. EMERSON, Mr. YOUNG of Alaska, and Mrs. MYRICK):

H.R. 3502. A bill to provide for the prompt implementation of those recommendations of the President's Commission on Care for America's Returning Wounded Warriors that require congressional action; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Education and Labor, Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3503. A bill to amend the Public Health Service Act to provide for a national program to conduct and support activities toward the goal of significantly reducing the number of cases of overweight and obesity among individuals in the United States; to the Committee on Energy and Commerce.

By Mr. ROSKAM:

H.R. 3504. A bill to authorize the Securities and Exchange Commission to permit or require persons filing or furnishing information under the securities laws to make such information available on internet websites, in addition to or instead of including such information in filings with or submissions to the Commission, under such conditions as the Commission may specify by rule; to the Committee on Financial Services.

By Mr. ROSKAM:

H.R. 3505. A bill to make various technical and clerical amendments to the Federal securities laws; to the Committee on Financial Services.

By Mr. SPACE:

H.R. 3506. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts of cancellation of indebtedness income on account of a foreclosure on the mortgage secured by the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. KENNEDY, Mr. UDALL of New Mexico, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. MCDERMOTT, Mr. NADLER, and Mr. HINCHEY):

H.R. 3507. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. RYAN of Wisconsin):

H. Con. Res. 206. Concurrent resolution honoring Kikkoman Foods, Inc. and its 50 years of commitment to providing quality products to the United States; to the Committee on Energy and Commerce.

By Mr. SPRATT (for himself, Mrs. WILSON of New Mexico, Mrs. JO ANN DAVIS of Virginia, Mr. STEARNS, Mr. OBERSTAR, Mr. CONAWAY, Mr. HAYES, Mrs. BOYDA of Kansas, Mr. SMITH of Washington, Mr. FRANKS of Arizona, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. GINGREY, Mr. YOUNG of Alaska, Mr. LAMBORN, Mr. SAXTON, Mr. GONZALEZ, Ms. BERKLEY, Mr. BOYD of Florida, Mr. MARSHALL, Mrs. MYRICK, Mr. KINGSTON, Mr. BISHOP of Utah, Mr. SAM JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. TURNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, Mr. WILSON of South Carolina, Mrs. GILLIBRAND, Mrs. TAUSCHER, Mr. LOEBSACK, Mr. COURTNEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. MCINTYRE, Ms. SHEA-PORTER, Mrs. DAVIS of California, Mr. SNYDER, Ms. GIFFORDS, Mr. COOPER, Mr. BOREN, Mr. UDALL of Colorado, Mr. ANDREWS, Mr. BUYER, Ms. CASTOR, Mr. ELLSWORTH, Mr. SKELTON, Mr. ORTIZ, and Mr. MCKEON):

H. Con. Res. 207. Concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; to the Committee on Armed Services.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. ORTIZ, and Mr. SKELTON):

H. Res. 640. A resolution honoring the sacrifices and commitments of the men, women, and families of the United States Transportation Command, and for other purposes; to the Committee on Armed Services.

By Mr. MCHENRY:

H. Res. 641. A resolution acknowledging the importance of understanding the history of the United States of America and recognizing the need to foster civic responsibility in all citizens; to the Committee on Oversight and Government Reform.

By Ms. SOLIS (for herself, Mr. ENGEL, Mr. LANTOS, Mr. BURTON of Indiana, Mr. GRIJALVA, Mr. HONDA, Mr. MCGOVERN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARE, and Mr. HASTINGS of Florida):

H. Res. 642. A resolution expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. GINGREY.
H.R. 39: Ms. CARSON.
H.R. 69: Mr. GORDON.
H.R. 87: Mr. ROSKAM.
H.R. 111: Ms. SHEA-PORTER.
H.R. 158: Mr. HINCHEY.
H.R. 219: Mr. GOODE.
H.R. 281: Mr. RUSH.
H.R. 346: Mr. RUSH.
H.R. 371: Mr. HIGGINS, Mr. ARCURI, and Mrs. CAPPS.
H.R. 383: Mr. PAUL.
H.R. 418: Mrs. CHRISTENSEN and Mr. LAMBORN.
H.R. 428: Ms. SCHAKOWSKY.
H.R. 549: Mr. CALVERT.
H.R. 552: Ms. SLAUGHTER.
H.R. 601: Mr. ENGLISH of Pennsylvania.
H.R. 657: Ms. BORDALLO.
H.R. 661: Mr. HASTINGS of Florida.
H.R. 688: Mr. STUPAK.
H.R. 695: Mr. MICHAUD.
H.R. 741: Mr. FARR.
H.R. 743: Mr. SALI.
H.R. 867: Mr. ROSKAM.
H.R. 879: Mr. CHABOT and Mr. BARTLETT of Maryland.
H.R. 880: Mr. HELLER.
H.R. 891: Mr. BOUCHER and Mr. MCDERMOTT.
H.R. 900: Ms. WATSON and Mr. PERLMUTTER.
H.R. 989: Mrs. CUBIN and Mr. GOODLATTE.
H.R. 1032: Mr. SMITH of New Jersey.
H.R. 1035: Mr. KUHL of New York.
H.R. 1064: Mr. WELDON of Florida, Mr. ISSA, and Mr. STEARNS.
H.R. 1091: Mr. FARR, and Mr. SCOTT of Virginia.
H.R. 1125: Mr. RYAN of Wisconsin, Mr. MITCHELL, Mr. BILIRAKIS, and Mr. SHULER.
H.R. 1154: Mr. TAYLOR, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. SKELTON, Ms. BORDALLO, Mr. DUNCAN, Mr. LATHAM, Mr. BROWN of South Carolina, Mr. SCHIFF, Mrs. DAVIS of California, Ms. HERSETH SANDLIN, Mr. SHADEGG, Mr. ADERHOLT, Mrs. JO ANN DAVIS of Virginia, Mr. BUYER, Mrs. MYRICK, Mrs. DRAKE, Mr. CALVERT, Mr. KENNEDY, Mrs. TAUSCHER, Mr. FOSSELLA, Ms. CASTOR, Mr. MILLER of North Carolina, Mr. ANDREWS, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. GUTIERREZ, Mr. HODES, Mr. LOEBSACK, Mr. MCNERNEY, Mr. SMITH of Washington, Mr. STARK, Mr. WELCH of Vermont, Mr. ENGEL, Mr. TANNER, Mr. UDALL of Colorado, Mr. WALBERG, Mr. JONES of North Carolina, Ms. HOOLEY, Mr. DOYLE, Mr. BAIRD, and Mr. THOMPSON of California.
H.R. 1193: Mr. FORBES, Mr. ROSKAM, Mr. ANDREWS, and Mr. ACKERMAN.
H.R. 1194: Mr. FOSSELLA.
H.R. 1200: Ms. BALDWIN.
H.R. 1201: Mr. SALI.
H.R. 1216: Mr. SIRES.
H.R. 1228: Mr. CAMP of Michigan.
H.R. 1233: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1275: Mr. ACKERMAN.
H.R. 1283: Mr. CANTOR, Mr. HINCHEY, Mr. NADLER, and Mr. OBERSTAR.
H.R. 1303: Mr. MCNULTY.
H.R. 1304: Mr. FORBES and Mr. MORAN of Kansas.
H.R. 1359: Mr. GOODLATTE.
H.R. 1363: Mr. SESTAK, Mr. WAXMAN, and Mrs. DAVIS of California.
H.R. 1386: Mr. RYAN of Ohio, Mr. DAVIS of Illinois, and Mr. SCHIFF.
H.R. 1414: Mr. PASCRELL.
H.R. 1440: Mr. GILCHREST.
H.R. 1475: Ms. SOLIS.
H.R. 1497: Mr. PAYNE and Mrs. CAPPS.
H.R. 1507: Mr. VAN HOLLEN.
H.R. 1518: Mr. SPRATT.
H.R. 1524: Mr. GORDON.
H.R. 1540: Mr. EHLERS.
H.R. 1570: Ms. BERKLEY and Mr. HONDA.
H.R. 1576: Mr. LOBIONDO, Mr. SCOTT of Virginia, Mr. CASTLE, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, and Ms. KAPTUR.
H.R. 1668: Mr. GORDON.
H.R. 1671: Mr. ANDREWS, Mr. LYNCH, Mr. CUMMINGS, Mr. HINCHEY, and Mr. WALZ of Minnesota.
H.R. 1717: Mr. DEAL of Georgia.
H.R. 1721: Ms. MCCOLLUM of Minnesota.
H.R. 1738: Mr. JOHNSON of Georgia.
H.R. 1764: Ms. ROS-LEHTINEN.
H.R. 1767: Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, and Mr. FEENEY.
H.R. 1778: Mr. DAVID DAVIS of Tennessee and Mr. FERGUSON.
H.R. 1783: Ms. MATSUI and Mr. BOUCHER.
H.R. 1809: Mr. YOUNG of Alaska and Mr. ENGLISH of Pennsylvania.
H.R. 1841: Ms. SLAUGHTER.
H.R. 1843: Mr. VAN HOLLEN, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. LAMBORN, and Mr. WALBERG.
H.R. 1875: Mrs. CUBIN.
H.R. 1876: Mr. TIBERI, Mr. JOHNSON of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. CLARKE.
H.R. 1881: Ms. CARSON.
H.R. 1971: Mr. THOMPSON of Mississippi.
H.R. 1974: Mr. ENGLISH of Pennsylvania.
H.R. 1992: Mr. FARR.
H.R. 2012: Mr. WESTMORELAND.
H.R. 2016: Mr. PRICE of North Carolina and Mr. THOMPSON of California.
H.R. 2033: Mr. NADLER, Mr. GEORGE MILLER of California, Ms. BORDALLO, and Mr. TOWNS.
H.R. 2046: Mr. SCOTT of Virginia.
H.R. 2074, Mr. SAXTON.
H.R. 2091: Mr. SESTAK and Mr. AL GREEN of Texas.
H.R. 2095: Mr. SCOTT of Virginia.
H.R. 2122: Mr. BRADY of Pennsylvania, Mr. HOLT, Ms. LEE, Ms. HARMAN, Ms. SLAUGHTER, and Ms. SCHWARTZ.
H.R. 2138: Mr. MAHONEY of Florida.
H.R. 2146: Mr. HINCHEY.
H.R. 2158: Mr. HENSARLING.
H.R. 2165: Mr. GORDON.
H.R. 2247: Mr. CRAMER, Mr. PAUL, and Mr. COHEN.
H.R. 2260: Mr. SHADEGG.
H.R. 2265: Mr. ROTHMAN, Mr. MILLER of North Carolina, and Ms. CARSON.
H.R. 2283: Ms. SUTTON.
H.R. 2289: Mr. MOORE of Kansas and Ms. SCHAKOWSKY.
H.R. 2303: Mr. GOODE.
H.R. 2365: Mr. COHEN.
H.R. 2370: Mr. WYNN and Mr. SHULER.
H.R. 2373: Mr. MCINTYRE.
H.R. 2436: Mr. WAMP and Mr. KENNEDY.
H.R. 2452: Mr. CARNAHAN and Mr. ENGEL.
H.R. 2464: Mr. MARSHALL and Ms. SLAUGHTER.
H.R. 2468: Mr. LEWIS of Georgia, Ms. SOLIS, Mr. HARE, Ms. SCHAKOWSKY, and Mr. TOWNS.
H.R. 2489: Mr. RAMSTAD and Mr. STARK.
H.R. 2503: Mr. WYNN.
H.R. 2510: Mr. ISSA, Mr. COBLE, and Mr. BOOZMAN.
H.R. 2552: Mr. BAIRD.
H.R. 2568: Mr. BOREN.
H.R. 2593: Mr. HINCHEY, Ms. WATSON, and Mrs. DAVIS of California.
H.R. 2596: Ms. SOLIS and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2609: Mr. SESTAK and Mr. HILL.
H.R. 2634: Mr. MCDERMOTT, Mr. COHEN, and Mr. OLVER.
H.R. 2639: Mr. ISSA.
H.R. 2668: Mr. GORDON.
H.R. 2677: Mr. ROGERS of Kentucky and Mr. MCINTYRE.
H.R. 2690: Mr. JACKSON of Illinois.
H.R. 2702: Mr. BACA.
H.R. 2734: Mr. KELLER.
H.R. 2738: Mr. LAMPSON.
H.R. 2802: Mr. HINOJOSA, Mr. STARK, and Mrs. DAVIS of California.
H.R. 2807: Mr. FEENEY.
H.R. 2816: Mr. THOMPSON of California.
H.R. 2818: Mr. CARNEY, Ms. CLARKE, and Mr. HOYER.
H.R. 2834: Ms. LEE.
H.R. 2857: Mr. ALTMIRE.
H.R. 2860: Mr. KING of Iowa.
H.R. 2881: Mr. HARE.
H.R. 2885: Mr. JONES of North Carolina.
H.R. 2926: Mr. JOHNSON of Georgia.
H.R. 2927: Mr. HASTINGS of Washington, Ms. PRYCE of Ohio, and Mr. SCOTT of Georgia.
H.R. 2948: Mr. SALI.
H.R. 2949: Mr. RAMSTAD, Mr. SCOTT of Georgia, and Mr. PAYNE.
H.R. 2966: Mr. MCNERNEY.
H.R. 3004: Mr. UDALL of Colorado.
H.R. 3005: Ms. ROS-LEHTINEN and Mrs. MCCARTHY of New York.
H.R. 3010: Ms. WASSERMAN SCHULTZ and Mr. GRIJALVA.
H.R. 3014: Ms. BALDWIN, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. FILNER, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3026: Mr. BACA, Mr. BUYER, and Mr. GORDON.
H.R. 3047: Mr. BUYER.
H.R. 3051: Mr. HOLT, Mr. SAXON, and Mr. FRANK of Massachusetts.
H.R. 3057: Mr. FORBES.
H.R. 3077: Mr. MCINTYRE and Ms. KAPTUR.
H.R. 3081: Ms. CLARKE and Mr. GRIJALVA.
H.R. 3109: Mr. GOODE, Mrs. EMERSON, and Mr. ENGLISH of Pennsylvania.
H.R. 3115: Mrs. CAPPS and Mr. KENNEDY.
H.R. 3132: Ms. MATSUI and Mr. FILNER.
H.R. 3140: Mr. BARTLETT of Maryland, Mr. FILNER, and Mr. MILLER of Florida.
H.R. 3168: Ms. CARSON, Mr. THOMPSON of Mississippi, and Ms. NORTON.
H.R. 3212: Mr. DINGELL.
H.R. 3224: Mrs. WILSON of New Mexico, Mrs. GILLIBRAND, and Mr. MATHESON.
H.R. 3246: Mr. MCINTYRE.
H.R. 3273: Mr. BAIRD.
H.R. 3297: Mr. PETERSON of Pennsylvania.
H.R. 3298: Mr. SCOTT of Virginia, Mr. ALTMIRE, and Ms. CASTOR.
H.R. 3300: Mr. SOUDER.
H.R. 3385: Mr. GRIJALVA.
H.R. 3418: Mr. BAIRD and Mr. VAN HOLLEN.
H.R. 3439: Ms. CARSON.
H.R. 3440: Mr. ARCURI, Mr. BRADY of Pennsylvania, Mr. COURTNEY, Mr. LINCOLN DAVIS of Tennessee, Mr. DOYLE, Mr. ENGEL, Mr. HARE, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Mr. LARSON of Connecticut, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MURPHY of Connecticut, Mr. MURTHA, Mr. PASCRELL, Mr. STARK, Mr. STUPAK, and Mr. THOMPSON of California.
H.R. 3442: Mr. JORDAN, Mr. TIM MURPHY of Pennsylvania, Mr. SESSIONS, Mr. DANIEL E. LUNGREN of California, and Mr. WALBERG.
H.R. 3446: Mr. CAMP of Michigan.
H.R. 3448: Mr. STARK, Mr. ALLEN, Mr. BERMAN, Mrs. CHRISTENSEN, Ms. CARSON, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Ms. NORTON, and Mr. INSLEE.
H.R. 3457: Mrs. MCMORRIS RODGERS, Mr. WICKER, and Mr. BERRY.
H.R. 3463: Mr. SKELTON.
H.R. 3481: Mr. SKELTON, Mrs. MCCARTHY of New York, and Ms. BERKLEY.
H.J. Res. 6: Mr. CRENSHAW.
H.J. Res. 14: Mr. MCINTYRE.
H. Con. Res. 32: Mr. SESSIONS, Ms. BORDALLO, Mr. MAHONEY of Florida, Mr. BURTON of Indiana, Mr. KING of New York, Mr. GALLEGLY, Mr. WOLF, and Mrs. MYRICK.
H. Con. Res. 40: Mr. GARY G. MILLER of California, Ms. KAPTUR, Mr. BACHUS, Mrs. BOYDA of Kansas, and Mr. SHULER.
H. Con. Res. 55: Mr. LAMPSON.
H. Con. Res. 160: Mr. RUPPERSBERGER.
H. Con. Res. 176: Mr. SESTAK.

H. Con. Res. 182: Mr. PRICE of Georgia, Mr. FERGUSON, Mr. STUPAK, Mr. WHITFIELD, Mr. CULBERSON, and Mr. WOLF.

H. Con. Res. 194: Mr. BURTON of Indiana.

H. Con. Res. 205: Mrs. BLACKBURN, Mr. GORDON, and Mr. TANNER.

H. Res. 18: Mr. HELLER, Mr. WAMP, and Mr. SHUSTER.

H. Res. 79: Mr. KIND.

H. Res. 87: Mr. ADERHOLT.

H. Res. 111: Mr. LINCOLN DIAZ-BALART of Florida and Mr. GOODE.

H. Res. 194: Mr. MILLER of Noth Carolina.

H. Res. 241: Mr. MCGOVERN.

H. Res. 322: Mr. FRANK of Massachusetts.

H. Res. 333: Ms. KILPATRICK.

H. Res. 435: Mr. GARRETT of New Jersey.

H. Res. 443: Mr. SCOTT of Virginia.

H. Res. 476: Mr. MORAN of Virginia.

H. Res. 489: Mr. MOORE of Kansas.

H. Res. 542: Mr. GARRETT of New Jersey, Mr. MCCAUL of Texas, Mr. BILIRAKIS, and Mr. WESTMORELAND.

H. Res. 576: Mr. CLAY.

H. Res. 583: Mr. WOLF and Mr. MCCOTTER.

H. Res. 588: Ms. BORDALLO, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. MATSUI, Mr. WELCH of Vermont, Mrs. GILLIBRAND, Mrs. LOWEY, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. HIGGINS, Mr. SERRANO, Mr. SIRES, Mr. DONNELLY, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. BACA, Mr. RODRIGUEZ, Mr. BECERRA, Mr. ORTIZ, Ms. SOLIS, Mr. CUELLAR, Mr. PASTOR, Mr. ALTMIRE, Mr. LAMPSON, Mr. SPACE, Mr. WILSON of Ohio, Mr. MAHONEY of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. KAGEN, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Mr. ACKERMAN, Ms. SUTTON, Mr. CARDOZA, Ms. CASTOR, Mr. MURPHY of Connecticut, Mr. ISRAEL, Ms. DELAURO, and Mr. GONZALEZ.

H. Res. 603: Mr. BUTTERFIELD.

H. Res. 605: Mr. ISSA, Mr. MEEKS of New York, Mr. CONAWAY, Mr. DUNCAN, Mr. MARIO DIAZ-BALART of Florida, Mr. BUYER, Mrs. MUSGRAVE, and Mr. MARSHALL.

H. Res. 635: Mr. PASCRELL, Mr. HASTINGS of Florida, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. HOLT, and Mr. SERRANO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1852

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 1: Page 64, strike lines 6 through 13.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, FRIDAY, SEPTEMBER 7, 2007 No. 132

Senate

The Senate met at 8:55 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Infinite and merciful God, we magnify and exalt Your Name, for You are great and worthy of our praise. Your splendor, glory, and majesty inspire us. You bless us beyond imagination. Nothing is too challenging for You.

Today, rule in the lives of our lawmakers. Empower them by Your powerful presence and instruct them by Your mighty words. Sustain their health as they seek to solve the problems of our time. Rescue and protect them from seen and unseen dangers. God, who is like You—majestic in holiness, awesome in power, working wonders and miracles before us each day?

We glorify Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN 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, September 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the good news is that we have accomplished a great deal this week. We have had a number of late nights, but we have completed what we needed to do, and today we are going to complete a very important piece of legislation that will certainly make it unnecessary that we be in late today and certainly not tomorrow.

As I indicated to everyone, we are going to have some votes before noon on Monday. But today, everyone should understand that at 10:15 a.m., we will have a vote. There will be no extending that time. Senator KENNEDY and Senator ENZI have expressed the desire that if people want to speak about this legislation—the vote will take 15 to 20 minutes—Members will have ample opportunity to speak as long as they want to speak on this very important measure.

I look forward to the debate being completed, the vote being completed at 10:15 a.m., and I congratulate both Democrats and Republicans for the work we have been able to accomplish this week.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COLLEGE COST REDUCTION AND ACCESS ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2669, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2669, an act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 75 minutes of debate remaining on the conference report, with the time equally divided between the chairman and the ranking member.

Who yields time?

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time under the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand from the previous agreement, we have approximately an hour, probably an hour and 12 minutes, that will be equally divided prior to the time of a vote on what has been labeled the College Cost Reduction and Access Act; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, first of all, I want to express appreciation to my friend and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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colleague from Wyoming, Senator ENZI, and to thank all of the members of our committee for the work they have done on this legislation. This truly is a bipartisan piece of legislation that is focused on improving opportunity and improving quality of life for millions of Americans in our education system.

We worked very closely together when Senator ENZI was chair, and we have worked very closely together since I have had the opportunity to chair the committee. And now we have this legislation which is going to make an enormous difference for so many. I will discuss it in detail after the vote and explain it in greater detail in the record for both our colleagues and others who are interested in this legislation and what we have accomplished. But at the outset, I think all of us on this side of the aisle know that without strong cooperation and assistance from Senator ENZI and both sides of the aisle, we wouldn't be where we are today with this legislation, and we would not have successfully passed the reauthorization legislation in the Senate that has a number of very important items in it. I will describe those later on in the day as well.

We are also very grateful to the staffs of our committee, who have done a really extraordinary job during this period of time.

Mr. President, education is the engine of hope and opportunity for people of this country, and it has been recognized as such from the earliest days of the Republic. In my State of Massachusetts, our State constitution, written by John Adams in 1780, spells out in great detail the responsibilities of our State, of our commonwealth, to try to make a commitment to educational opportunities for the people of our State. And it has been replicated, that language or something similar has been replicated in all of the State constitutions.

Education is really the key. We have seen the progress and the changes that have taken place over the period of years, and we will have a chance to review that history a little later in the morning. But I am mindful today that establishing a benchmark is important in recognizing that this assistance to students and to families is the greatest assistance that will have been provided for the American family since the GI bill, the GI bill that was so successful at the end of World War II.

It has been estimated that for every dollar that was invested in the GI bill, $7 was returned in taxes to the General Treasury. Historians will point out that it helped establish the middle class, the middle class which has been the strength of our Nation over the last 60 or 70 years. There is no question about it. We built the middle class on the pillars of education, on the pillars of educational opportunity.

In this legislation, we invest $20 billion—$20 billion—and not a nickel of it comes as an additional burden on taxpayers. It comes from the lenders. They will be able to continue to provide opportunities for students through their lending agencies, and this $20 billion will provide direct assistance to the neediest children in this country. It will provide help and relief for families that have real debt in terms of interest rates.

Most interestingly, Mr. President, is the fact that it will encourage young people in this country to involve themselves in public service and public life through their communities. None of us can visit schools and colleges across the country and not be overwhelmingly impressed by the desire of young people to make a difference in helping to solve the problems and the challenges we are facing today.

We can look as recently as this week at the cover of Time magazine outlining this tremendous surge of young people wanting to participate in solving problems in their communities in a variety of different ways.

We have understood that, Mr. President, and we are saying to those young people: Yes, we know the cost of education has gone up. Yes, we know we have not kept pace in providing assistance to you to keep up with the cost of education. Yes, we understand your parents have been working hard, and still the middle class has been holding on by its teeth in terms of battling the problems of inflation and no wage increases. Yes, it has been more challenging for middle-class families to go on to college. And, yes, if they go on to school they will end up with a great deal of debt, which means they will not be able to go into the kinds of fields of service, service to the community, that they might like to. But that is going to change, and change dramatically, with this legislation.

There are many different provisions in the legislation, and we will come to grips with those as the morning goes on, but this is saying to the young people: If you finish up in school and college and you have debt and you want to become a schoolteacher, you want to work in the criminal justice system, you want to work with special needs children, you want to work for a nonprofit, you will never pay more than 15 percent of your income in repayment of your debt. And after a period of years, a 10-year period of time, your debt will be forgiven in full—completely.

This is an incentive for young people to be able to go into public service and serve their community. I think it is enormously important and responsive to the time. I will have a chance later to go through this legislation in greater detail, but this is a matter of enormous importance. It is a matter of enormous consequence. It reflects the best judgment of those on this Education Committee who have worked long and hard on this legislation.

We are grateful for the fact the President has indicated that he is going to support this legislation. At a time of great divisiveness on so many things, we have taken an issue of fundamental importance to families in this country and we are saying: Help is on its way. That is effectively what this legislation will do. We will spend a good deal of the morning going over the details of it and how those general concepts I have outlined this morning will be implemented in the form of the legislation.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself whatever time I take, and I do rise to speak in support of the conference report under consideration today.

I thank the Senator from Massachusetts and his staff for their participation and the way they kept us informed during the conference. I have to say ''kept informed'' because we were not at the conference, except for the one kind of superficial meeting we had where we got to make speeches, but they did a good job of keeping us informed. This seems to be the way that reconciliation happens. I know when the Republicans were in the majority that is the way it happened, so I am not surprised that when the Democrats are in the majority that is the way it happened. But it was very helpful to be kept informed on what was happening.

There are quite a few things that the reconciliation bill does, but I have to mention that without the reauthorization package it is very incomplete. We are urging the House to hurry and do the reauthorization part so that we truly have a higher education package. Without that, there are a lot of things that are left out, and I will go into that a little bit this morning in more detail following the vote.

This isn't the first time we have reduced the subsidies to lenders and provided greater benefits to students. Two years ago, in the conference that I was referring to, we produced a report that found billions in savings by further reducing subsidies to lenders and applied those savings to increased grants for low-income students, expanded loan forgiveness, and reduced interest rates on undergraduate subsidized loans.

We all agree if there is an excess subsidy in the student loan program, it should be eliminated. The key question is how much excess there is and how to eliminate it. There are no clear-cut answers to these questions. One approach included in this conference report is the reduction of the special allowance payments to the lenders.

I am pleased that we retained the provisions that recognize the unique role that our not-for-profit lenders have in providing information and services to students and their families. Not-for-profit lenders focus on communities and they serve students locally. For this reason, we maintained the 15-basis-point differential cut in the special allowance payments between for-profit and not-for-profit lenders. The

cut in the special allowance payments to for-profit lenders is 55 basis points, and for not-for-profit lenders it is 40 basis points.

Now, we took a first step in this conference report toward refining the way those levels are determined by including an auction pilot that lets the marketplace determine the appropriate level for the Parent PLUS Program, which is about 10 percent of the loans.

This conference report provides additional need-based grant aid which is a critical component of increasing access to and the affordability of college. Over 55 percent of the savings are dedicated to increasing the Pell grant award. In the next 5 years, low-income undergraduate students will see the maximum Pell grant award increased by more than $1,000. Additionally, we increase the income protection allowance so that students are not penalized for working and saving for college, and we raise the income threshold for automatic eligibility for a maximum Pell grant.

I am also pleased we were able to retain the guarantee rate on student loans at 97 percent for all lenders through fiscal year 2012. In this way we avoid the disruption in the student loan market and ensure that students have access to Federal student loans. However, I wonder if we may be going too far in cutting the support for the largest Federal financial aid program, the Federal Family Education Loan Program. The challenge we face is that we will not know until it is too late whether cuts we have made have undermined the stability of the program and created hardships for the students it serves.

Despite the emphasis on increased grant aid, the claim of increased savings for borrowers has a hollow ring. Reducing student loan interest rates is a good sound bite. It doesn't do anything to help students pay tuition bills.

Further, in reality, cutting the interest rate in half, to 3.4 percent, will help only a small group of borrowers for the loans they take out for 1 year of their education, 4 years from now. Then the benefit disappears. That is going to be a surprise to a lot of people, and it has already happened once. We were chastised when we were doing the last reconciliation for a raise in the interest rates. That is because the interest rate that had been lowered expired and there was not the money to do the further cut. This may well happen again.

A quick calculation of the real benefit borrowers will receive shows that at a cost of $6 billion to taxpayers, individuals, will see a savings of only $6 a month. That may be one latte; it may be two lattes. It is kind of hard to tell in today's market in coffee. I am astounded. I remember the days when it was a nickel a cup. I would much rather see the $6 billion go to help real low-income students through a Pell grant increase than just for a hollow sound bite.

Finally, as an accountant and member of the Budget Committee, I would be remiss if I didn't point out that we are debating a conference report on reconciliation, and that is a process designed to reduce the Federal deficit, not to create new mandatory programs and increase entitlement spending. I am disappointed to say that the net savings for deficit reduction in this conference report is only $750 million.

I wish to remind my colleagues that a few weeks ago, we considered reconciliation and higher education reauthorization together. The Senate did it right. We voted on reconciliation one day, and the next voting day we had, we covered reauthorization. Both bills passed with strong bipartisan support because we not only achieved savings but we ensured the quality and effectiveness of our Federal student aid programs. Therefore, my support for this conference report is limited by the fact that we are not also considering the larger higher education reauthorization package.

We have used this chart before when we were debating the reauthorization. This chart shows the pieces that are left out when we do not do the reauthorization. I urge the House to finish up this part of the package so that it can accompany the reconciliation package. It is not complete without both.

I do have some comments by House Ranking Member MCKEON, which is an excerpt from the conference committee when it was held. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE RANKING MEMBER MCKEON EXCERPT COMMENTS FROM THE ONE CONFERENCE COMMITTEE HELD

Nearly 6 months ago, the Budget Committee offered a budget resolution that called for a lone, $75 million budget reconciliation instruction to the Education and Labor Committee. Eventually that figure climbed to $750 million in required savings over 5 years—a modest improvement, but still a mere fraction of the savings generally achieved through budget reconciliation.

It was as clear 6 months ago as it is today that the reason for that instruction was not to reduce the federal deficit. It was to push through a series of changes to our Nation's college financial aid system—changes that may or may not have been able to garner the necessary votes outside the confines of a budget bill.

Many of these changes are needed. Republicans took the lead on making the student loan program more efficient two years ago, producing a full $12 billion in deficit reduction while increasing benefits to students. I appreciate the efforts this year to build on that success by demanding additional program efficiencies and redirecting those resources into the Pell Grant program. A straightforward reform effort focused solely on these two goals would surely have garnered broad bipartisan support.

While I believe the intentions of the bill's sponsors are good, I have found the process and the product to be disappointing. When the FY 2008 budget resolution was being debated, the Chairman of the Senate Budget Committee cautioned that the budget reconciliation process was in danger of being abused as a ''stalking horse'' for new entitlement spending. Yet despite his warnings, that is exactly what happened in the bill.

That bill represented one of the largest expansions of higher education entitlement spending in history, with the creation of nine new entitlement programs. I understand the majority is considering paring back the new entitlement spending and creating fewer new programs. While this is a modest improvement, it still represents a diversion of approximately $1 billion that could have, and dare I say should have, gone to low-income students in the form of Pell Grants.

The legislation that passed the House also included a temporary phase-down of the interest rates on subsidized Stafford loans. The Senate-approved bill did not include such a proposal, instead focusing its resources on the Pell Grant program. The conference report includes some form of the House interest rate proposal. This, despite the fact that temporarily reducing interest rates on some loans for some college graduates is a costly diversion from Pell Grants, and does nothing to assist students enrolled in school and struggling with rising costs. Any proposal to slowly phase-down the interest rate only to have the rate immediately jump back up is nothing more than false promises to borrowers and taxpayers.

First, under this proposal, it will be impossible for a borrower to save the highly-touted $4,400. In order to save that amount, a borrower would have to take out loans all 4 years at the reduced rate of 3.4%—an impossibility. Second, this proposal is also a false promise to taxpayers and a budget gimmick. If Congress decides to maintain the 3.4% interest rate, the taxpayer will be on the hook for a potential long-term cost of $32 billion. Finally, this proposal does nothing to help students pay for their education when the tuition bill is due. While I understand that this idea may test well in polls and may well make for good politics, it's bad policy. And everyone here knows it.

I understand the conference report is to include cuts to the Federal Family Education Loan Program (FFELP) similar in magnitude to those proposed in both the House and Senate Democratic plans. These figures are based largely on the President's budget request for the upcoming fiscal year. However, I remain concerned that both chambers—following the lead of the President—may be going too far in cutting support for the largest federal financial aid program.

The challenge is that we will not know if we have cut too deeply until it is too late, and the program and its students suffer. Moreover, such deep program cuts could undermine the stability of the FFELP and upset the delicate balance between it and the government-run Direct Loan program. While I do not dispute that reforms to the student loan program are urgently needed, I am strongly opposed to any effort to give a leg-up to the bureaucratic Direct Loan program in an effort to squeeze out the private sector.

There are elements of the expected conference agreement that I strongly support. I am particularly pleased that those involved in the negotiations recognized the importance of focusing on Pell Grants. I understand the agreement may provide up to $11 billion in increased support for this critical program. This level falls short of the approximately $15 billion proposed by the President in his budget, but it is a great improvement over the legislation approved by the House in July.

There was a proposal to reduce subsidies in the student loan program and redirect those resources to help low-income students through increased Pell Grants. Period.

I believe that if such an approach were embraced here today, it would receive overwhelming bipartisan support in both the

House and Senate, and would be welcomed by the President. This could be a missed opportunity of epic proportions.

Although I continue to harbor serious concerns about the proposals before us, I would be remiss if I did not thank Chairmen MILLER and KENNEDY for their efforts, and acknowledge their commitment to much-needed reform. I said earlier—and I truly believe this to be true—that the intentions driving this process are good and worthy. While I remain disappointed that key opportunities may be missed, I recognize that legislation is rarely perfect and the best efforts of the sponsors should be commended.

Mr. ENZI. It puts the emphasis on some things that will be left out if we do not do it and also some things that I mentioned.

I want to add some more emphasis to what is not before us today, and that is the legislation that addresses the concerns about rooting out the bad actors in student lending. It doesn't include protecting students and families who are borrowing money for college, and ensuring that students and parents receive sound, honest advice about their student loans. Students and parents must have access to the information they need to understand and manage their debt. We must ensure that the investment our students and families make in terms of time and money is a good one, that they are confident there will be financial aid to assist continued access to a college education.

Further, it is the reauthorization bill that contains the evaluation of the auction pilot that will help determine whether the auction model should be used in the future to establish viable special allowance rates. That is the way to test it.

Higher education is the onramp to success in the global economy, and it is our responsibility to make sure everyone can access that opportunity and reach their goals. The choice of whether to pursue a postsecondary education is no longer an option. We need to make sure individuals have all the tools they need to understand and shape their future. This conference report provides some important tools but not nearly enough to complete the job.

We are only seeing a fraction of the higher education picture by considering the conference report separately from the larger reauthorization package. What is before us today focuses only on a narrow slice of the Higher Education Act, one piece which is dependent on other foundational programs that are not part of the reconciliation. You can see that on this chart: Reconciliation takes care of a little bit; reauthorization takes care of the rest.

It takes important steps to increase assistance for students seeking a college degree, but it is only a Band-Aid without the important bipartisan reforms included in the reauthorization bill. We are cutting the bottom line without dealing with the quality and substance of these important programs.

The American success story of higher education is at risk of losing the very qualities that made it great—competition, innovation, and access for all. Our challenge is to make higher education more accessible, affordable, and accountable. By considering only reconciliation, we are not meeting this challenge head-on. We are leaving the job undone.

But we need the provisions in the reauthorization bill—better college cost information to help parents and students make sound choices; year-round Pell to reduce time-to-degree; and FAFSA, which is the Free Application for Federal Student Aid. It is a document that has been rather intimidating to students as they think about filling out this form in order to qualify for financial aid. The form itself has kept people from applying. We have reduced that in the reauthorization bill to a one-page document.

I reiterate, it is the reauthorization bill that contains all the reforms and accountability provisions to address the problems that have come to light in the loan programs—the bad actors with conflicts of interest, the lack of useful, necessary information to enable borrowers to make informed decisions about loan provisions and repayment, and the need for better controls over access to the National Student Loan Data System so borrowers' privacy is protected.

We know America's ability to compete in a global economy depends on increasing the number of students entering and completing college. But of the 75 percent of high school seniors who continue their study, only 50 percent of them receive a degree in 5 years after enrolling in college and only 25 percent of them receive a bachelor's degree or higher. These numbers are even worse for students from low-income families. 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. Low-income students who are striving to attend college need to know there is financial aid available for them to access college or career and technical education. It is the reauthorization bill that has all the support programs for first-generation and low-income students and the institutional support programs for minority-serving institutions.

For years, institutions of higher education and employers have expressed their dissatisfaction about the fact that our high school graduates need remedial help in order to do college-level work or to participate in the workforce. Nearly one-third of entering college freshmen take at least one remedial course. Each year, taxpayers pay an estimate $1 billion to $2 billion to provide remedial education to students at our public universities and community colleges.

What will help this situation? Not only do students need better guidance selecting courses in high school that will enable them to succeed in the postsecondary education, they need better prepared teachers. It is the reauthorization bill that has the partnership programs to support teacher preparation so that all children have qualified teachers to guide their learning experiences. Also, to be competitive in the global economy we need to be able to communicate with people all over the world. It is the reauthorization bill that authorizes the programs that support foreign languages and international education.

I began my remarks by stating that I am in support of the conference report. It is clear that I am equally committed to seeing that we reauthorize the Higher Education Act. We need both pieces to get it done right.

I thank Senator KENNEDY for his commitment to moving the reauthorization forward and including several Republican priorities in this conference report. While this report is not perfect, taken as a whole and with its emphasis on providing additional need-based grant aid to low-income students, I believe we have reached a reasonable approach to helping students pay for college.

I thank everyone who has been involved in the process.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Ohio is yielded 5 minutes.

Mr. BROWN. Mr. President, I thank Chairman KENNEDY, the Presiding Officer now, and Ranking Member ENZI, William Jawando on my staff—the committee's Ohio staff and all of the HELP Committee for their excellent work on this legislation. This bill, of course, as we know, invests in higher education. The returns on that investment will not only accrue to students and to the education system that serves them but will accrue to the stability, prosperity, and security of our Nation as a whole.

We know the problem. We know what has happened in the last many years to higher education in this country. Particularly in the last 5 or 6 years in my home State of Ohio, the cost of attendance at 4-year public institutions has increased 53 percent. In 2001, if you graduated from college versus going 4 years in 2007, you are paying almost half again, this year, in this 4-year period, than the 4-year period half a decade earlier. It has gone up almost 30 percent in the last 5 or 6 years at 4-year private institutions. At the same time, the median household income in my State has increased only 3 percent. So as college costs have gone up 30 percent if you go to private schools, 50 percent if you go to a public 4-year university, the average income in Ohio has gone up only 3 percent. You can see the gap.

The Federal Government has not been able to fill that gap. Pell grants haven't been raised for years until this legislation. The interest rates have continued to go up. Federal loans have

not kept pace, neither FFELP nor the Direct Loan Program, so the chasm has grown in terms of the kind of money working-class kids and poor kids and middle-class kids need to go to college.

In the 2004–2005 school year, 66 percent of students graduating from 4-year institutions in my State of Ohio graduated with student loan debt, and that debt was an average of $20,000. So two-thirds of Ohio students graduating are burdened with an average of $20,000 in student loan debt. That makes a big difference in career choice. That means they sometimes cannot take the kind of job they trained for, that they most want, because it doesn't pay the bills as well as another job might.

A generation ago, it was very different. As Senator KENNEDY and I have talked, I told him my wife a generation ago graduated from Kent State University, a working-class kid, the first one in her family to go to college. Her father carried a union card at Cleveland Electric Illuminating Company for 36 years as a utility worker, but she was able to graduate from Kent State, getting a bachelor's degree in journalism with grants, loans, and very little debt when she graduated so she could pursue the kind of opportunities she had chosen to.

Looking from 30 years ago to today and the difficulties that the middle-class and working-class and poor kids face going to college, that is why this bill matters, the dramatic increase in Pell grants, the lowering of interest rates, the loan forgiveness which Senator KENNEDY has talked about at length—what that means is assistance for teachers and nurses and all kinds of public servants to serve the community.

This seems to be a generation of idealism, and we will see those students be able to pursue a career in public service and be able to take those jobs, sometimes—often—at lower pay, but be able to relieve themselves of the huge burden of debt they face. That is why this bill matters so much.

This bill is a major step. We know we have more work to do.

Senator ENZI has said several times that we have got to pass the other legislation with the reauthorization. He is right about that. We all agree with that. That will help on some issues such as simplifying the loan form for those prospective students filling out their applications for student loans and for grants.

We also know this growth in the cost of college, as I said earlier, the cost in State universities in Ohio has gone up 50 percent, wages have gone up for an average family only 3 percent in this decade. The Federal Government has not kept up. That means an awful lot more students have turned to the private loan system and have had to face interest rates of 10, 12, 15, sometimes as high as 18 percent. They graduate from college, private or public, with a huge, even larger burden because of those high interest rates. We need to address that in the future as the private loan system has grown more and more and more.

I close by thanking the entire committee, Senator KENNEDY, Senator ENZI, for taking up this extremely important legislation. All students should be able to afford college in this country. This bill is a step, a major step in that direction. I thank all the fellow Senators who have been so involved in this issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. MENENDEZ. Mr. President, I rise in support, strong support, of the higher education reconciliation conference report before us. The bill represents a remarkable achievement this body, and this Congress, should be proud of. The billions of grant aid in this bill will make a tremendous difference for students across the Nation, students who are struggling to stay afloat because of the cost of college, students who are saving every last penny in the hopes they can achieve their dreams of college.

The passage of this bill will make a change in the tide in Congress. It proves to students that when we say we will work to make college more affordable, we mean it. This bill shows them that when we say we understand the obstacles they face to finance a college education, we are not throwing words around.

This bill will confirm that when we say student loans should work for students, we mean it. This Democratically led Congress laid out strong principles for how we should improve access to a college education. With this piece of landmark legislation, we are putting those principles into action. This bill is no small feat. Not since the passage of the GI bill has a piece of education legislation made this big of an investment in students' aid.

Now, this historic moment could not have been possible without the leadership of Senator KENNEDY, who has once again stood up for the Nation's students by engineering and moving this bill forward. I also wish to thank Senator ENZI as the Republican leader on the committee who worked so quickly to finalize this important bill.

The bill could not come at a more critical time. Nationwide, the lowest income students at 4-year colleges face roughly $5,800 in unmet need after a standard financial aid package, after their loans, and after the amount their families contribute. To put it simply, for the neediest students all across the country, current aid has not kept up.

Students of my home State of New Jersey are no stranger to the skyrocketing cost of a college education. In fact, within the past 5 school years, the cost of attendance, including tuition, fees, room and board at 4-year public colleges in New Jersey has increased by almost 50 percent.

Unfortunately, family household incomes have not kept up with these rising costs. Even after financial aid is taken into account, nearly 40 percent of median family income in New Jersey is needed to pay for 1 year of college at 4-year public colleges. It is simply unbearable for our students. The result is some of our Nation's brightest students are locked out of a college education simply because they cannot afford it.

I am pleased this legislation will reverse that troubling trend for all our students and families across the country by adding billions into new grant aid. Next year alone, New Jersey students will see more than $40 million in new grant aid. Over the next 5 years, students in my State will have access to more than 400 million Federal grant dollars because of this bill. Grant dollars equal access for many of today's college students.

The bill reduces subsidies to student lenders and gives it back to our students. It is about time. For far too long, students struggling to afford college have seen their grants shrink, their loan rates go up and their debt explode after graduation. More than 60 percent of New Jersey students graduate with loan debt that averages $16,000. That is not a manageable amount of debt for a 21-year-old college graduate. It is an unfair burden.

That is why I am proud of the bill, because it will help lessen the burden on our students. It will put money directly where it is most needed, into Pell grants and other critical financial assistance that benefits our Nation's students. From here on, millions of young people across the Nation will have the opportunity to see their dream of a college degree come true.

They will have access to the key that will unlock their own economic empowerment, build a successful career, and succeed in a global economy. Today we have an opportunity to move critical legislation forward to be signed into law, so the doors to college will be open for all students. In the global economy we live in today, we clearly cannot afford as a nation to have our students priced out of a college education.

As someone who grew up poor, the son of immigrants, the first in my family to go to college, I know the power of the programs we are ready soon to vote on. I would never have attended St. Peters College, I would have never gone to Rutgers Law School without the power of key Federal grant programs such as Pell and Perkins, I certainly would not be standing with you today on the floor of the Senate had it not been for Federal financial aid.

I wish to ensure that is a birthright for all our students across the Nation, regardless of the happenstance of where they were born in life.

I urge my colleagues to support the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, the bill before us today from a policy standpoint does some things which are extremely positive. It adjusts, I think appropriately, the cost of the amount of subsidy that is going into the system relative to higher education loans and takes savings from that subsidy, which was going to lenders, and moves it over to assist people who need assistance, especially under the Pell Grant Program.

So it is, from a policy standpoint, moving in the right direction in many ways. In addition, as the Senator from Wyoming has pointed out, there needs to be tied to this a Higher Education Reauthorization Act, which unfortunately is not in this bill and needs to be in this bill in order to complete the package. That is critical to this whole undertaking in making sure we significantly improve our ability to support people who are going to college, making sure the loans which these people get are properly disclosed and that the money does not end up, as we increase the Pell grants, being taken away by increasing tuitions which are tied to our Pell grant increases.

So there are good things about this bill. There is also a big part of this bill that is missing, which is the Higher Education Reauthorization Act, and certainly the Senator from Wyoming made an eloquent statement on that.

What I wished to talk about, however, was the fact that this bill comes to the floor in an inappropriate way, using the wrong vehicle, and as a result deems serious harm to the budget process we have in the Congress. This bill comes under what is known as reconciliation. Reconciliation is a very unique vehicle which we have in the Senate, the purpose of which is to avoid filibusters and allow legislation to move, which is going to be used on the spending side of the ledger, at least, to reduce entitlement spending.

It was created out of the 1974 Budget Act. It has been used over the years for the purposes of reconciliation, of reducing entitlement spending. In fact, in 1990, it reduced entitlement spending—it was used to reduce about $480 billion in entitlement spending over a 10-year period; in 1993, about $433 billion; in 1995, about $337 billion; in 1997, about $118 billion; and then in 2006, about $36 billion. Why do we use this mechanism? Well, every year we have two different types of spending in the Federal Government. We have discretionary spending, which means it occurs on an annual basis and is appropriated, it goes through the Appropriations Committee. That represents about a third of the Federal Government spending. Then we have entitlement spending, which is spending that occurs where the Federal Government, as a result of laws, has an obligation to pay money to somebody.

Agriculture programs are, for example, entitlement programs, where if you plant a certain amount of fields or do not plant a certain amount of fields, you have a right to obtain payment from the Federal Government under the law. Medicare is an entitlement program. We have a lot of education programs which are arguably entitlement programs and a lot that are discretionary programs.

But the problem is, when you have an entitlement program, you cannot adjust it annually through the appropriations process. The only way you can adjust it is by changing the law which affects that program and creates savings or more spending. So the Budget Act recognized this and also recognizes it is extremely hard to do that in the context of the Senate because the Senate has the filibuster, where you can basically tie anything up without 60 votes. It also requires 60 votes to pass just about anything.

So this very unique and very powerful instrument was given to the budgeting process called reconciliation, where there is a limited amount of time to debate a bill, in this case 10 hours as a result of a conference report, no filibuster can apply, and it only takes 51 votes to pass the bill.

But this whole concept of giving this very strong power to the Budget Committee and to the committees of jurisdiction was to allow us to reduce the rate of growth of entitlement spending in order to make the budget more manageable.

What has happened, however, has been to reverse that, to actually do the exact opposite using reconciliation, with the representation that we are going to save, I believe it is $750 million, which is minuscule—remember that over the years we have been saving billions of dollars through reconciliation—with the representation that we are going to save $750 million. We have a chart which reflects this. These are savings which we have received under reconciliation when we have used it in the past: $428 billion; $433 billion; up until 2006, we did $39 billion.

This year, this reconciliation bill, saves less than $1 billion net. So it is not a savings vehicle at all. In fact, what it does is it uses that $93 billion savings to mask an almost $21 billion spending event.

It takes the reconciliation—as long as you get a net savings, you are allowed to use reconciliation—and uses it to dramatically increase spending. In fact, the amount of new spending in this reconciliation bill exceeds the amount of savings by 2,900 percent. In other words, the spending in this bill is 29 times larger than the savings in this bill, which totally undermines and makes a joke out of the budget process and reconciliation, and it is totally inappropriate to have done this, to use reconciliation in this manner.

It could be effectively argued the proposals that have been brought forward under this bill would easily pass this Congress with 60 votes, with or without reconciliation. But by using reconciliation, they allowed themselves to eliminate all amendments, for all intents and purposes of any significance, and they have this 51-vote rule, and as a result of spending 2,900 times more than they save, they essentially make a mockery of the budget process.

Not only do they make a mockery of the budget process on the issue of reconciliation, they make a mockery of the budget process by the manner in which they score the bill itself. This bill is set up so the Pell grants will increase, which is what the goal of the bill is, to $5,400 per person, but the spending on the Pell grants will also increase rather dramatically over the next few years because we are taking a subsidy which is now going to lenders and putting it into Pell spending.

But in the year 2013, under this bill, we are going to go back to zero, essentially zero dollars being spent on Pell grants. That is what this bill calls for in 2013, zero dollars essentially will be spent on Pell grants.

What a farce. I mean, really. In order for them to take advantage of reconciliation and the protection of reconciliation, they had to put in place a program which goes from almost $5 billion in the year 2012, down to zero in 2013. Talk about truth in budgeting or integrity in budgeting. How can anybody vote for this who believes we should have an honest budget and claim that they are being honest?

There is $9 billion of Pell grant, which one could realistically argue over the next 10 years is going to have to be spent, which isn't accounted for. It is sort of, well, it will appear from the sky, I guess. One would think that would be enough; that basically the proposal makes a mockery of the reconciliation process in the budget, makes a mockery of the baseline by going back to zero spending in 2013. But then we get to pay-go; pay-go, the sacred cow of fiscal discipline from the other side of the aisle that we hear so much about. We are going to stand by pay-go in order to discipline Federal Government spending. We heard that incessantly in the last Congress from the other side of the aisle. We heard it incessantly from people running for office from the other side of the aisle. But it has become Swiss cheese as bill after bill after bill has been brought to the floor which has waived pay-go when it came to spending. What a surprise. The Democratic majority waives pay-go when they want to spend money.

I ask unanimous consent for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Then they claim they are using pay-go to discipline the Federal Government. It has happened time and time again. The most recent egregious event prior to this one was SCHIP, where they added $41 billion of new spending waiving pay-go. This $6 billion down here that was a pay-go violation has now grown to be about

$20 billion under this bill. So the little hole in the Swiss cheese should be a great big hole.

Anyone who comes to this floor and claims they are using pay-go to discipline the Federal budget at any time for the rest of this Congress will have to have a sanity test given to them because they certainly can't defend that on the basis of any facts.

The problem with this bill isn't the policy. In fact, quite honestly, I would have probably used a more aggressive policy. I would have been willing to auction all these accounts to get to the real number as to what the subsidy is. We might have saved a lot more money and put more money into Pell. The problem is, this bill, in the manner in which it is brought to the floor, basically puts a stake through the heart of the budget process. It takes reconciliation, which is the most significant tool of the budget process, and makes a joke out of it by using it to increase spending 2,900 times more than it creates savings. It takes the baseline and makes a joke out of it by reducing Pell grants in 2013 to zero spending, when we know we are going to be spending $5.5 billion on Pell grants in 2013. It takes pay-go, which is alleged to be a disciplining mechanism, waives it, and then spends $21 billion that would have been subject to it.

My point is obviously one of frustration, as former chairman of the Budget Committee. I would like to see us have a budget that means something. We didn't pass a budget. The Democratic Party passed a budget; I congratulated them for that. I didn't agree with it, but at least they passed it. But if they are going to pass it, they ought to have a purpose for it, and they ought to live by it. The purpose should not be to expand spending, to make a joke of the baseline, and to basically put holes in the pay-go mechanism which they claim is the essence of their fiscal discipline.

From a public policy standpoint, the bill may have good policy in it, but from the standpoint of managing the fiscal house of this country, it is doing fundamental harm to the budget process.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 17 minutes 49 seconds.

Mr. KENNEDY. I yield 8 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. I say to my friend from New Hampshire, who is leaving the Chamber, I am sorry he is leaving. This water is put on our desks by our loyal, dutiful pages every day. Sometimes I want to check this water because I think perhaps imbibing it leads to political amnesia. The longer you drink the water on the floor of the Senate, the more you tend to forget reality and forget what has happened.

I just listened to a speech by the Senator from New Hampshire talking about deficits and reconciliation bills. The bill we have before us today, the most dramatic increase in student aid ever in the history of the United States, does not add to the deficit. We pay for it. What the Senator from New Hampshire, whom I respect and like very much, fails to acknowledge is that when he was chairing the Budget Committee, when these reconciliation bills would come to the floor, they would add dramatically to the deficit every year. In fact, we have totaled it up. Over the last several years—2001, 2003, 2005—the Republican reconciliation bills added $1.7 trillion to the deficit. Now they come and rail against the deficits.

This bill before us today is a bill that is paid for. It is paid for by taking subsidies away from student loan companies. Do you know what happened the last round in reconciliation? They ended up taking about $12 billion in help away from students and giving it to the wealthiest people in America in tax cuts. Talk about reverse Robin Hood, not only adding to the deficit but taking money away from students, raising the cost of their loans, and then giving that money in tax cuts to the wealthiest people. That was the politics that was rejected in the last election.

My friends and colleagues are making speeches believing that we don't have this written down somewhere about what actually happened, but we do. I am afraid my colleague has forgotten some of the most important things that happened under his watch and their watch, which was to add, in three reconciliation bills, $1.7 trillion to the deficit.

Mr. GREGG. Will the Senator yield for a question?

Mr. DURBIN. I will when I have finished. This may be the single most important bill we pass. Most of us realize if there is one thing in America that gives you a chance to succeed, it is education. We can't guarantee to our children that they will be successful or wealthy or happy in life, but we can give them a chance. The best chance we can give them is to let them go to school and progress along and go to the best schools they can attend.

I happen to be standing here today because 50 years ago, somebody in the United States House of Representatives decided that because the Russians had launched Sputnik and frightened us with the prospect of losing the war in space, we needed to give more young kids a chance to go to college. So college, which had been kind of an elite opportunity for the wealthy and the sons and daughters of those who graduated from colleges in the past, was now expanded and democratized.

In the 1960s, kids, such as myself, from east St. Louis, IL, had a chance to go to great universities such as the one in town that I went to named Georgetown. I didn't have any money. I borrowed it from the National Defense Education Act. What a deal. Pay it back over 10 years after you graduate, and at a 3-percent interest rate. It worked. I got my college degree and my law degree. I paid back my loans, and the money was there for the next generation.

Now what has happened to the cost of college education? It has gone through the roof. I just sat down with a couple kids from colleges in Chicago. I said to a junior and a senior: How much debt will you have when you graduate? The junior said: I am at $35,000 right now. The senior said: I will be at $45,000 when I graduate.

Those figures, unfortunately, are not unique. More and more students are ending up with debt.

I say to Senator KENNEDY and to my good friend and close colleague, GEORGE MILLER of California, they have done a great favor for America and for America's families. What they have done with this bill is to expand Pell grants, which are basic grants to kids whose families don't have a lot of money, for the first time in 5 years. For 5 years these Pell grants have been frozen. Now they are going up. Then they have come up with unique ways to reduce the burden of student loans so that young people who sign on the dotted line so they can go through another year of school, never thinking what this means 10 or 20 years from now, are going to pay dramatically less in interest.

GEORGE MILLER and I introduced a bill that cut the interest rate on student loans from 6.8 percent to 3.4 percent. It is included in this important bill we are going to pass today. Think about that for a minute. If you think of it in terms of your home mortgage, what if you could cut your interest rate in half, from 6.8 to 3.4. You are going to pay off that loan sooner. You will pay less in interest.

They have another provision in here that is dramatic and ingenious. If a young person coming out of college with student debt agrees to take a job as a nurse or a teacher or a social worker, things we need more young people to dedicate their lives to, we are going to forgive their loans more quickly. We are going to limit the amount of money they have to pay back each year on the loan. Then in 10 years, the student loan is erased, if they will go into teaching. This is a dramatic commitment we have made to young people to go into jobs and professions that are so important for our future.

We give a lot of speeches here about how much we love this country and how much we want to see it succeed. The real test is whether we are prepared to invest in our children. This bill invests in our kids. This bill takes money that might otherwise have gone for tax cuts for the richest people in America, which was the pattern that was building around Congress, and instead invests in working families and

their kids. It says to a child: If you are good enough to get in a good university, if you will work hard and succeed and get a degree, even if you have debt, at the end of the day, we are going to stand by you. We are going to give you a chance to pay that debt off in a reasonable way and to pick the career and life that you want. Don't take the job that pays the most money because you can pay off your debt. Take the job that your heart is attached to.

I remember running into a science teacher in the suburbs of Chicago, a young woman fresh out of college. She was so happy to be teaching math at this great high school. I said: Is this what you wanted to do? She said: No. I wanted to teach in an inner-city school, but I couldn't do it because they don't pay as much money. I have student loans, you know. They pay me more out here in the suburbs, and I can pay off my loans and buy a car. So I made that choice. I wish I didn't have to, but I made that choice.

Repeat that story a thousand times, see that teachers who could have gone into areas where they are desperately needed now have a chance to succeed.

I tell my colleagues, as I look back on the things that made a difference in my life, laws that were passed that really changed my life, when this Congress made a commitment to loans to kids from families such as my own, at that point in time they gave me a chance. I stand in this Senate today because of it. Senator KENNEDY, Senator ENZI, Congressman MILLER, and others are going to provide those opportunities for thousands of young American kids.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. ENZI. I yield an additional 3 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. I appreciate the Senator from Wyoming yielding to me. I know the Senator from Illinois would have yielded for a question, but his statement carried him away. Please note, I have no water on my desk—not by choice but I suspect that they don't trust me with it. I was glad to learn that it is the water that has caused the dysfunctionality of the Senate. I had been beginning to think maybe it was the Democratic leadership, since the change of hands. But getting this clarified is very important.

I do want to make this simple point: Pell grants were expanded through SMART grants when we did the last reconciliation, when I was chairman of the Budget Committee. We put $8 billion in the SMART grants, which helped kids, especially freshman and sophomores. We eliminated the origination fees, and we also increased the auto zero to $20,000, and we increased the asset protection allocation. So we did make these decisions. But at the same time we reduced the funds to lenders and put a significant amount of it into deficit reduction, $40 billion into deficit reduction.

The Senator from Illinois takes the position that when we cut taxes, we were having the same impact on the budget as when they increased spending. That is the difference between the parties. It is fundamental. We believe when we leave people's dollars in their pockets and they get to spend it themselves—because it is their money to begin with—that is not necessarily aggravating the Federal budget situation. They believe when you take the money out of people's pockets and expand the size of the Government—in this case, 2,900 times more than you save in the area of spending reduction—that is good, because there is a philosophical difference here.

The philosophical difference, quite simply, is the Democratic Party believes it knows better how to spend people's money than the people know how to spend their money. We believe the people know how to better spend their money better than the Federal Government does. That is the difference.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GREGG. Well, Mr. President, first I would like to complete my thought on this point because I think it is critical. The budget reconciliation process was not set up to be a stalking-horse for dramatic expansion in the size of Federal Government entitlement programs. That was not the purpose of the reconciliation structure. It was set up for the purposes of being able to control the rate of growth of entitlement programs.

Now, we can debate whether the budget process was set up for the purposes of allowing us to return more tax dollars to taxpayers with reasonable tax rates, but certainly on the issue of spending, there is no question but that reconciliation was not intended to expand entitlement spending.

INDEPENDENT STUDENTS

Ms. LANDRIEU. Mr. Chairman, I would like to ask my friend, the senior Senator from Massachusetts, for clarification of language in the conference report. On page 60, the report refers to the definition of an independent student for purposes of determining financial aid eligibility. The current law was amended to allow students who are orphans, in foster care or wards of the court or who were orphans, in foster care or wards of the court any time after the age of 13 to be considered independent students. I would like to ask the Senator to clarify that individuals who were orphans, in foster care or wards of the court when they were 13 years of age or older but no longer orphans in foster care or wards of the court when applying for college will still be considered independent students.

Mr. KENNEDY. Mr. Chairman, the senior Senator from Louisiana is absolutely correct. The conference report does indeed make that change in the law. And I can assure the senior Senator from Louisiana that we will further clarify this language in the upcoming conference report for the Higher Education Amendments of 2007—S. 1642.

Ms. LANDRIEU. I appreciate that clarification. I believe we should modify the language to be more clear on this point. I believe it should read ''(B) is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;''.

Mr. KENNEDY. I agree and I assure the senior Senator from Louisiana that we will make this change in the conference report for the Higher Education Amendments of 2007, S. 1642.

DEFINITION OF NOT-FOR-PROFIT LENDER

Mr. ALEXANDER. Mr. President, I thank my colleagues, especially Senators KENNEDY and ENZI, as well as their staff, in working together during discussions on the College Cost Reduction and Access Act to recognize the work of nonprofit loan providers and the services they provide to students and States.

I would like to clarify with my colleagues the committee's intent regarding one of the provisions that relates to these nonprofit loan providers. It is my understanding that nonprofit entities that use eligible lender trustees to provide Federal loans to students—such as the one in my State, EdSouth—will benefit from the special allowance payment for not-for-profit holders in this bill. The language in this bill allows an eligible lender trustee acting on behalf of a nonprofit entity to be eligible to receive this payment on behalf of the nonprofit entity, as long as such nonprofit entity was acting as the beneficial owner of Federal student loans on the date of enactment. I ask Senator KENNEDY and Senator ENZI whether my understanding of the provision is, in fact, what was intended by the bill.

Our staff has all worked carefully on the language to ensure that the legitimate efforts of nonprofits can continue, without opening up loopholes that would allow for-profit entities to benefit from the special allowance payment differential.

I thank my friends for their time today and again appreciate their efforts.

Mr. KENNEDY. Mr. President, I thank my friend from Tennessee. As I have stated previously, this bill reflects the priority of several of our Members by recognizing that nonprofit lenders in their States make important contributions in their States. My colleague is correct, it is the intent of this legislation to allow nonprofit entities that provide Federal student loans through an eligible lender trustee to benefit from the differential special allowance payment, as long as the nonprofit pays no more than reasonable

and customary fees to the trustee that holds the loans in trust for the benefit of the nonprofit entity and as long as the nonprofit was the sole owner of the beneficial interest in the loans on the date of enactment. I commit to continue to work with my friend in the future to make any necessary clarifications with respect to this provision.

Mr. ENZI. I, too, thank Senator ALEXANDER for his commitment to students in his State and across the country, and to the public purpose mission of nonprofits, such as EdSouth and, in my home State of Wyoming, the Wyoming Student Loan Corporation. I appreciate him taking the time to clarify this issue. I, too, agree with my colleague regarding his explanation of the intent of the bill with regard to nonprofit entities that provide Federal student loans through eligible lender trustees. And I join Chairman KENNEDY in his commitment to make any further clarifications necessary to ensure that existing nonprofit loan providers that use eligible lender trustees will be able to benefit from the differential special allowance payment.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, I would like to thank Majority Leader REID, HELP Committee Chairman KENNEDY and ranking member ENZI for their leadership in increasing college access for millions of students and ensuring America stays competitive in the global economy. I am proud to join them in this effort.

This legislation comes at a time when the rising cost of college is making it tougher for all students who want to go to college to attend. Those who do attend college are borrowing twice what they would have borrowed 10 years ago. That is why I am pleased this legislation will increase Pell grants up to $5,400 in the next 5 years, providing hundreds of millions in increased grant aid to New York students over the next 5 years. It is no secret to anyone that the purchasing power of the Pell grant has declined dramatically in recent years. This package not only provides a dramatic increase in the Pell grant, but also raises the automatic-zero expected family contribution threshold to $30,000, making more students from needy families eligible to receive the maximum grant award. This conference report cuts the interest rate for certain student loans in half from 6.8 percent to 3.4 percent, saving our student borrowers hundreds each year on their student loans.

The mathematics of rising college costs are simple. More students are taking on more debt. I am pleased to join my colleagues in taking these critical steps to increase college affordability and access for all students. I am thrilled to support a conference report that will help low- and middle-income students meet the cost of college. Last November, Democrats made a promise to reduce the cost of college for our student borrowers and today we have delivered on that promise.

Under the management of Chairmen KENNEDY and MILLER, the House and Senate have reached an agreement that provides $20.2 billion in student aid, nearly $3 billion more than the original Senate Reconciliation package passed in July of this year. I am very pleased the College Cost Reduction and Access Act tackles an issue addressed in legislation I sponsored The Student Borrower's Bill of Rights by providing protections for student borrowers while they repay their loans. It does so by capping monthly loan payments at 15 percent of the borrower's discretionary income and providing several important protections to members of the Armed Forces and public service employees during repayment. Under this provision, for example, a starting teacher in New York with the state average student loan debt can have his or her monthly payments reduced by 21 percent. This savings will prove critical to helping students manage their debt, especially in the first few years after they graduate.

I hear from many young people in New York and around the country, who want to be teachers, police officers, nurses, social workers and public defenders, but sadly are so straddled with debt, such careers are not an option for them. This is the wrong policy; and today, we send the message that we want to encourage more young people to go into lower paying public service jobs. I am pleased this bill creates a new loan forgiveness plan through the direct loan program for public service employees. Under the loan forgiveness program the remaining loan balance on a loan is forgiven for a borrower who has been employed in a public sector job and making payments on such loan for 10 years. Under the loan forgiveness for public service employees provision, a public school teacher in my State with $19,000 in student loan debt will not only have his loan repayment capped at 15 percent, but could save nearly $8,000 on his loan after teaching for 10 years. I strongly believe this program will help to fill the void in public service our nation will soon face as our baby boomer generation sets to retire by providing an incentive for college graduates to pursue lower paying, but vital professions.

The College Cost Reduction and Access Act helps make higher education more affordable, and that is good economic policy, good social policy, and good budgetary policy. I am proud Congress has chosen to make this groundbreaking investment in our students.•

Mr. REED. Mr. President, I rise today in strong support of H.R. 2669, the College Cost Reduction and Access Act of 2007.

This important legislation, which I helped craft as a member of the Senate Education Committee and as a conferee, will make a substantial Federal investment in need-based grant aid for low-income students, and will significantly help middle-class students and families pay down and manage their loan debt.

Under this bill, the maximum Pell grant for eligible students will be increased by $500 next year and to $5,400 by 2012. This means that Rhode Island students will receive $7.8 million in additional grant aid next year and nearly $85 million over the next 5 years, increasing the average Pell grant in Rhode Island by $360 in 2008 to $2,880.

H.R. 2669 also includes provisions to stem the increasing numbers of middle-class families falling further into debt to finance a college education. As such, this bill phases in a lower interest rate on new subsidized Stafford loans to undergraduate students, reducing the rate in half over 4 years on such loans from 6.8 percent to 3.4 percent; helps students manage their debt by capping monthly Federal student loan payments at 15 percent of a borrower's discretionary income; and provides loan forgiveness for borrowers who continue in public service careers for 10 years, including nurses, teachers, and librarians.

I am especially pleased that this legislation includes provisions from my FAFSA Act—S. 939—to increase the income level at which a student is automatically eligible for the maximum Pell grant, ensuring that all students from families with incomes of $30,000 or less receive the maximum Pell grant. This automatic-eligibility level would also be tied to the Consumer Price Index to ensure that the benefit keeps pace with inflation and does not become diluted.

The College Cost Reduction and Access Act of 2007 also includes provisions I authored to double the income protection allowance for dependent students from $3,000 to $6,000 over 4 years and increase the income protection allowance for independent students, including adult learners and veterans, by 50 percent over 4 years. These increases will protect students who have to work during college so they can earn more without having it count against their financial aid.

This is significant legislation for families in Rhode Island and across the Nation, and I strongly urge its passage. I want to thank Senators KENNEDY and ENZI, and their staffs, for their work on this bill. I also look forward to building on this legislation by working with my colleagues in the House to craft a final Higher Education Act reauthorization bill in the coming weeks that would, among other key components, include provisions I authored in the Senate version of the reauthorization bill to improve the Leveraging Educational Assistance Partnership or LEAP program; simplify the financial aid process and forms; and strengthen college teacher preparation programs. These two bills combined will tackle the twin goals of access and affordability for students and families and help ensure that our Nation remains competitive in today's global economy.

Mr. CARDIN. Mr. President, I rise today in strong support of the conference report to accompany the College Cost Reduction and Access Act now before the Senate. The conference report and the underlying bill make extraordinary progress on one of the most critical challenges before this Congress: making college affordable for all our Nation's deserving students.

We all know that education plays a crucial role in helping people pursue the American dream. That term was first used by James Truslow Adams in his book ''The Epic of America,'' which he wrote in 1931 during the Great Depression. He wrote:

> The American Dream is that dream of a land in which life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement. . . . It is not a dream of motor cars and high wages merely, but a dream of social order in which each man and each woman shall be able to attain to the fullest stature of which they are innately capable, and be recognized by others for what they are, regardless of the fortuitous circumstances of birth or position.

Congress passed the Higher Education Act in 1965 to help all Americans ''attain to the fullest stature of which they are innately capable.'' Millions of students have gained access to higher education due to the financial assistance programs, including Pell grants, this historic legislation created.

The problem now is that tuition costs are rising rapidly, wages are stagnant, and Congress hasn't kept up in terms of providing the funding necessary to bridge the gap. In my home State of Maryland, for example, in the 5 years between the 2000–2001 and 2005–2006 school years, the cost of attending 4-year public colleges increased 36 percent, from $10,846 to $14,793. But the median household income in Maryland increased just 11 percent. Even after financial aid is taken into account, 32 percent of the median family income in Maryland is needed to pay for just 1 year at a 4-year public college.

The effects of this disparity between college costs and family income are devastating. Each year, more than 400,000 talented, qualified, hopeful students cannot attend a 4-year college because, they cannot afford it. When I was a young man, such a person might have had other viable options for making a decent wage and pursuing a fulfilling career. But today, 60 percent of new jobs require some postsecondary education, compared to just 15 percent of new jobs when I was a student.

Those students who do go on to college are becoming more and more dependent on private loans which carry high interest rates to finance their education. In 1986–1987, the maximum Pell grant covered 39 percent of the average public 4-year college tuition in Maryland; in 2005–2006 it covered only 27 percent. This decline is due, in part, to a shift of a great portion of Federal spending on student aid from grants to loans: 30 years ago, 77 percent of Federal aid to students was in the form of grants, and only 20 percent was in the form of loans. By the 2005–2006 school year, this distribution pattern had been reversed, to 73 percent of aid taking the form of loans and 20 percent coming in grants.

Just 15 years ago, fewer than half of all students took out loans to finance their education. That number must seem incredible to today's students and parents struggling to finance a college education because today more than two-thirds of students borrow for college. In Maryland, 53 percent of students graduating from 4-year institutions in 2005 graduated with debt. The average student graduating from a 4-year college in Maryland that year owed $14,822 in student loan debt.

The growing barriers to higher education also have a profound effect on our national economy. We do not have enough highly skilled workers in this country. We recruit overseas to find engineers, computer programmers, and scientists. Nor can we fill essential social service positions. More and more students avoid critically important career paths such as teaching, nursing, social work, and law enforcement. These are some of the most important professions in our country but lower starting salaries are a distressingly powerful disincentive: nationally, nearly a quarter of public 4-year college graduates and over a third of private 4-year college graduates have too much debt to afford a starting teacher's salary. Over half of those graduating from private colleges have too much debt to enter the social work profession. Debt levels are also causing graduates to delay buying a home or a car and postpone marriage and having children. Such decisions have important ramifications not just for the individuals involved, but for society as a whole.

As a member of the Budget Committee, I worked hard with my colleagues to make more money available for grant aid. We allocated $9.2 billion for education and training over and above the President's budget request to be invested, in part, in Pell grants. We believe such an investment will make college more affordable so that all eligible students can gain the knowledge, skills, and experience they need to succeed, and to ensure that employers have the workforce they need to compete in a fiercely competitive, global marketplace.

The important legislation before us today takes essential steps to reverse our current course. The College Cost Reduction and Access Act will make college more affordable by: Increasing access for low-income students by increasing the maximum Pell grant from $4,310 to $4,910 next year and to $5,400 by 2012, and simplifying the financial aid process for low-income students by increasing the income level at which a student is automatically eligible for the maximum Pell grant; easing the burden on borrowers by cutting student loan interest rates in half, from 6.8 percent to 3.4 percent for undergraduate students with subsidized student loans; protecting borrowers by capping monthly Federal loan payments at 15 percent of discretionary income; protecting working students and ensuring they are not penalized by increasing the amount of student income that is sheltered from the financial aid process; and encouraging public service by providing Federal loan forgiveness for public service employees.

The College Cost Reduction and Access Act would increase access to and preparation for college by both restoring funding for Upward Bound, a key college access program, and creating college access challenge grants to increase college outreach activities in every State.

The legislation strengthens minority serving institutions with an additional $500 million investment. Despite tremendous challenges and limited resources, minority serving institutions are responsible for educating many of our Nation's minority students who would not otherwise obtain a degree. Increasing Federal investment will allow these institutions to provide a better education to more students.

But it is not enough to offer more aid. Recent investigations have shown that private lenders have been exploiting the student loan system, to the detriment of the students the system is meant to serve. The College Cost Reduction and Access Act will ensure that the student loan system works for students and saves taxpayer dollars by directing unnecessary lender subsidies to student aid and injecting competition into the loan program.

In addition, this legislation will help ensure that more students are prepared for college by helping to provide good teachers to the schools where they are needed most. According to research, teacher quality is the schooling factor with the most profound effect on student achievement. Good teachers can make up to a full year's difference in learning growth for students and overwhelm the impact of any other educational investment, including smaller class sizes. Unfortunately, our educational system pairs the children most behind with teachers who, on average, have less experience, less education, and less skill than those who teach other children. We will only close student achievement gaps when we improve teacher quality and experience. We must make obtaining advanced training and experience in teaching more accessible and teaching at-risk students more desirable. I have introduced a bill, S. 1282, which Senators SNOWE and DURBIN have cosponsored, to encourage the establishment of a class of ''Master Teachers'' with extensive experience and training. If they are willing to teach for an extended period of time in a school that is not meeting adequate yearly progress goals, then they would be rewarded under my bill with a 25-percent Federal tax exemption on their salary.

While my Master Teachers bill has not been incorporated into the legislation before us, I hope the Senate will pass it soon.

The College Cost Reduction and Access Act also creates incentives for good teachers to teach in high-need schools by establishing new TEACH grants. These grants will provide scholarships of $4,000 per year for high-achieving undergraduate and graduate students who commit to teaching a high-need subject in a high-need school.

This legislation contains the biggest increase in Federal student aid since the original G.I. bill. This is how our country should be investing its money: helping to open the door to our children's dreams, not just for their benefit, but for the benefit of our communities, our economy, our Nation, and all of humanity. I am proud that this Congress realizes that increasing access to postsecondary education serves both as a gateway to the American dream for our Nation's students and a pathway to our economic success and security as a Nation.

Mr. BINGAMAN. Mr. President, I rise today to express my support for the conference report to H.R. 2669, the College Cost Reduction and Access Act of 2007. As you know, the cost of college has tripled in the last 20 years.

In my State of New Mexico, the cost of attendance at 4-year public colleges has increased by 35 percent since 2000–2001. Unfortunately, the median household income in New Mexico only increased by 11 percent in that same time frame, considerably lower than the rate of increase at public colleges.

Each year, there are hundreds of thousands of students who are prepared to attend a 4-year college, but do not do so because of financial barriers. Further, an increasing number of students have to rely on loans to finance their education. In fact, in New Mexico, more than half of all students graduating from 4-year institutions graduate with debt. And the average student in New Mexico now graduates from 4 years of college with more than $16,000 in debt.

The conference report to H.R. 2669, the College Cost Reduction and Access Act of 2007, is critical to addressing the skyrocketing costs of college, and making college more accessible to students across the country.

This legislation will actually increase student aid by more than $20 billion over the next 5 years, without increasing the national debt. It is paid for by cutting excessive Federal subsidies to lenders participating in the student loan program.

This legislation will increase the maximum Pell grant by $500 next year and to $5,400 by 2012. In addition, the bill: simplifies the financial aid process for low-income students by increasing the income level at which a student is automatically eligible for the maximum Pell; protects working students, increasing the amount of student income that is sheltered from the financial aid process; expands eligibility for financial aid so more students will qualify for more assistance; eases the burden of student debt by cutting student loan interest rates in half to 3.4 percent for undergraduate students with subsidized student loans; caps monthly loan payments at 15 percent of discretionary income so that graduates with significant loan debt can better manage their payments, particularly those in lower paying jobs or those supporting children; and forgives the student debt for those who commit to public service for a period of 10 years.

This student aid package could mean as much as $200 million over the next 5 years in financial aid to help New Mexico's students and families beat back the rising costs of college.

In addition, I am pleased that the conference report will restore critical funding for Upward Bound, a key college access program.

Further, the legislation will provide scholarships of $4,000/year for high-achieving undergraduate and graduate students who commit to teaching a high-need subject, such as math, science, special education, foreign languages, or bilingual education, in a high-need school.

Moreover, the conference report provides critical support to minority serving institutions. Despite tremendous growth in racial and ethnic minority enrollment at the nation's colleges and universities in recent years, Hispanics, African Americans, and Native Americans continue to lag behind their nonminority peers in college enrollment. The College Cost Reduction and Access Act will invest an additional $500 million in these institutions, including: $200 million in funding for Hispanic serving institutions—HSIs—to increase the number of students attaining degrees in science, technology, engineering, or math, and to facilitate transfers for students from 2-year HSIs to 4-year HSIs; and $60 million in funding to strengthen tribal colleges and universities.

I am particularly pleased that the conference report contains language I authored that would create and fund a program for Native American serving institutions. The legislation will provide $10 million to fund and help create a program for Native American serving institutions, those nontribal colleges and universities that serve large Native American student populations.

This conference report is critical to helping American families meet the increasing burden of sending their children to college, and also meets some very important national priorities. I urge my colleagues to support this conference report.

Mr. FEINGOLD. Mr. President, I am pleased to support the College Cost Reduction and Access Act of 2007, a bipartisan piece of legislation that will increase student aid by billions of dollars through cutting Federal subsidies to private banks and lenders. This is a significant victory for students around the country and in my State of Wisconsin, which is estimated to receive over $260 million in new need-based grant aid in the next 5 years and over $115 million in additional loan assistance over in the next 5 years. Wisconsin has a world-class higher education system and I am pleased to support this much-needed legislation that will help open the doors to college for more students in my State.

Access to a higher education is increasingly important in the competitive, global environment of the 21st century and is one of the most important investments our Federal Government can make to advance our country's economic growth. But while the importance of attending college continues to increase, the cost of attending college also continues to increase, which often causes financial strain on students and their families as they seek to finance the cost of higher education.

I am concerned about the continued educational attainment gap between rich and poor students and the fact that access to higher education too often depends on access to financial resources. The ability of a student to attain a higher education should not depend on that student's financial background, but rather on a student's desire to obtain a higher education. Expanding need-based grant aid is one of the best ways that the Federal Government can expand access to higher education for low income students and I am pleased the conference report we will adopt today does just that.

This conference report contains a significant boost in funding for the Pell grant program, ensuring that the maximum Pell grant award will reach $5,400 by 2012. I have long supported and led efforts in Congress to increase funding for the Pell grant program, a program dedicated to expanding access to college for low income students. I was pleased to join with my colleagues in February to pass a significant increase in the maximum Pell Grant award to $4,310 from $4,050, the first increase in 4 years. Earlier this year, I also joined with my colleagues Senators KENNEDY, COLLINS, and COLEMAN to lead letters to both the Budget and Appropriations Committees that advocated for the highest possible increase in funding for Pell grants. This substantial increase in the Pell program will benefit millions of students during their higher education careers.

My colleagues and I have long fought against the declining purchasing power of the Pell grant by supporting substantial increases in the maximum grant award. According to data from the Department of Education, the maximum Pell grant covered half the cost of tuition, fees, room and board at public, 4-year colleges 20 years ago, but only covered a third of these same costs during the 2005–2006 period. The declining power of the Pell has impacted my State of Wisconsin as well.

In 1986–1987, the $2,100 maximum Pell grant covered 58 percent of college costs for Wisconsin students. In 2005–2006, the $4,050 maximum Pell grant only covered 38 percent of college costs in Wisconsin.

I have been a proud supporter of the Pell grant program for many years and I will continue to strongly advocate for increases in Pell funding in the annual appropriations process to provide the highest, fiscally responsible increase in the Pell program in the coming years. While this legislation is an important first step, we have more to do to help ensure the Pell program can adequately cover the costs of college attendance for low income students.

In addition to the declining purchasing power of need-based aid like Pell, the availability of such need-based grant aid does not come close to meeting the demand for it. As a result, an increasing number of students turn to Federal and private loans to finance their education. According to the College Board, in the late 1970s, over three-fourths of the Federal aid to students were grants, while 20 percent of Federal student aid were loans. Recent data from the College Board indicates that the breakdown between grant aid and loans had switched by 2006, with grant aid only making up twenty percent of the Federal student aid.

Students in my State of Wisconsin, like students in other parts of the country, are greatly affected by the Federal Government's increased reliance on student loans at the expense of grant aid. The Project on Student Debt reports that more than 60 percent of Wisconsin graduates in 2005 graduated with debt and the average student who graduated from a 4-year college in my State in 2005 owed over $17,000. This legislation seeks to help alleviate the debt burden that some students face upon graduation by cutting the student loan interest rates in half by 2011 for undergraduate students who have subsidized student loans.

Higher levels of debt can also influence the decisions students make about whether or not to take a job in the public interest sector or in the more lucrative private sector after graduation. We have all heard about students who are interested in working in areas like teaching, law enforcement, legal aid, or State and local government but who decide against taking these public interest jobs because of their high debt loads. It is unfortunate that so many students are forced to consider their debt loads when deciding which jobs to take or pursue. The loan forgiveness provision of this legislation will help those graduating students in Wisconsin and around the country who want to pursue careers in public service.

While I applaud much of the policy included in this measure, I am disappointed that we are again seeing the reconciliation process used to advance legislation that is not primarily a deficit reduction package. While there are better arguments for using reconciliation to consider this particular bill than there were for the reconciliation protection proposed for past legislation to open up the Alaska National Wildlife Refuge to drilling, I am still troubled by the use of this extraordinary procedure as a way to advance a significant policy change that is not primarily a deficit reduction package. Thanks to the efforts of our Budget Committee Chairman, Senator CONRAD, the days when the reconciliation process could be totally subverted to advance legislation that actually worsened the deficit are over. I also commend Chairman CONRAD for insisting during the conference discussions on the budget resolution that this particular reconciliation instruction move closer to a more reasonable qualifying threshold of deficit reduction than was initially proposed. I hope that in future budget resolutions, we can further tighten the use of reconciliation to ensure that it is used for what it was intended, namely to advance significant deficit reduction.

Passage of the College Cost Reduction and Access Act of 2007 represents a great victory for students in my State of Wisconsin and around the country. I believe everyone deserves fair and equal access to a higher education and adoption of this bill moves us closer toward that vision. I look forward to working with my colleagues in the coming months and years to continue to expand the Pell grant program and other need-based programs so that hard-working students will be able to take advantage of the full opportunities that access to a higher education offers.

Mrs. MURRAY. Mr. President, the bill that we are debating today comes at a critical time for our country.

As the connected world has brought about new competition from nations across the globe, the need for more Americans to be armed with a college education has become essential to the future of our economy.

And as a new generation enters a work world that demands highly skilled, highly trained workers, a college degree is necessary to open the door to a successful career.

But for too long the deck has been stacked against students seeking to build their careers and grow our economy.

College has become more expensive, interest rates have grown, and those students who are able to attend college often graduate saddled with debt and unable to buy a car or a house.

Today we have the opportunity to turn the tide in favor of students and ensure a stronger future for our country.

The College Cost Reduction and Access Act puts students first, makes college more affordable, cuts interest rates, helps recent graduates, and encourages public service.

It also helps to ensure that students today have the same opportunities that I had growing up.

When I was growing up, my family didn't have a lot. The only way I was able to attend college was through Pell grants and student loans. In fact, because of Pell grants and student loans, all seven kids in my family were able to get a college education.

Today those seven kids are a school teacher, a lawyer, a firefighter, a homemaker, a computer programmer, a sports writer, and a U.S. Senator. In my book that was a great investment.

This bill helps a new generation attend college and realize their dreams in a variety of ways.

First, this bill raises the maximum Pell grant by 25 percent over 4 years to $5,400 per student. That will make a real difference for students in my home State of Washington.

In Washington state, 20 years ago, the maximum Pell grant covered 53 percent of the costs at a public, 4-year college. Today it only covers 33 percent of those costs. By raising the maximum Pell grant, this bill will help students in Washington State and across the country attend college.

For Washington State, this bill will make another $30 million available in need-based grants next year alone. Over 5 years, the bill will provide an additional $333 million for low-income students.

This bill will also ensure that college graduates are not trapped by high loan payments after college. This bill cuts the interest rate on Federal loans in half to 3.4 percent for students with subsidized loans.

It also guarantees that borrowers will not have to pay more than 15 percent of their monthly income in student loan payments. This will bring immediate relief to students who are burdened with excessive loans.

Another problem with high student loan debt is that it limits the career choices of college graduates.

Many can't afford to take a job in public service and pay back their loans at the same time.

This bill encourages public service by providing loan forgiveness for graduates who pursue careers in these areas.

As a former teacher, I am also extremely pleased that the TEACH grant program has been included in this bill.

This program will provide $4,000 grants to students who commit to teaching in high-need subjects at high-need schools.

It is past time that we reward students who are willing to embrace the challenge of working with our country's students who are the most in-need.

I am also pleased that we were able to increase funding for the Upward Bound program which helps more low-income students prepare for and attend college. This program is so important for assisting students who may be the first ones in their family to go to college.

And I am pleased that minority-serving institutions will see funding in the

form of a $500 million investment contained in this bill.

And finally I am especially proud that this bill contains two provisions I worked hard to include that help groups that face other unique problems in the college aid process.

For our brave men and women in uniform, I worked to include a provision that will allow them to defer their student loan payments during their deployments and as they transition out of service.

Currently, the law limits how long servicemembers can defer their payments to just 3 years.

As we all know, those who are serving our country have enough to worry about these days.

With deployments as long as 15 months in Iraq, and young dependent families left at home, our servicemembers are already facing real financial challenges.

Paying back student loans should not be something weighing on their minds as they serve us overseas or as they transition back into civilian life.

So this bill lifts this 3-year limit and makes more servicemembers eligible for student loan deferment and relief.

I am also pleased that this bill improves college access for homeless and foster care students.

These vulnerable students face tremendous barriers in their education—especially those who don't have a parent or guardian who is able to guide them through the process.

In this bill, I joined with my colleagues to simplify the student aid application process and made homeless and foster students eligible for higher levels of assistance.

I really want to thank Senator KENNEDY for his leadership in moving this bill forward and making sure it does right by our students. He is a tireless champion for our young people, and his work is allowing so many more of them to achieve the American dream.

To me, this is simple. If we want our economy to grow, our people to succeed, and our country to be strong, we have to help more students get a college education. This bill will do just that, and I urge my colleagues to support it.

Mrs. BOXER. Mr. President, today I rise to laud the passage of the College Cost Reduction and Access Act conference report, which is a strong symbol of our commitment to higher education access and affordability. This bill includes key tools and resources to enable students and families across our Nation to attain the American dream of a quality education.

I would like to thank Chairman KENNEDY, Ranking Member ENZI and their staff for their hard work on this important legislation. Their tireless efforts have succeeded in making higher education a reality for millions more young people.

Specifically, a key component of this legislation is the increase in college aid by roughly $20 billion over the next 5 years, including the much needed increase in the maximum Pell grant award. For many years now, one of my top education priorities has been to increase the Pell grant award for college students with the greatest financial need.

Twenty years ago, the maximum Pell Grant covered 40 percent of costs for attending a 4-year college in California. Today, it covers just 30 percent. This bill helps our students when they start out by increasing the maximum Pell grant award from $4,300 today to $5,100 in fall of 2008 and $5,400 in fall of 2011. This provision is particularly important to California, which has over 584,580 Pell grant recipients—more than any other State in the country.

The bill also includes a provision which I introduced with Senator FEINSTEIN that would remove a barrier, known as the tuition sensitivity clause, in the Pell grant system that unfairly prevented students who attend lower-tuition colleges from receiving the maximum grant. According to the Congressional Research Service, the elimination of the tuition sensitivity clause will benefit approximately 96,000 students in the next academic year and would provide an average Pell grant scholarship increase of over $110 per student.

The bill also tackles the problem of student loan debt upon graduation. Currently, 46 percent of seniors at 4-year colleges in California graduate with debt, owing on average $15,000 in student loans. This bill helps students by capping Federal student loan payments at 15 percent of a borrower's discretionary income. The bill also encourages public service by rewarding those who choose to work in nursing, teaching, or law enforcement for 10 years by forgiving their remaining debt after that time period.

I also want to thank Senators KENNEDY and ENZI for the consideration and adoption of my amendment regarding Upward Bound. Upward Bound seeks to capture potential, first-generation college students—many of whom are low-income youth—and prepare them for the rigors of college. Upward Bound is a fantastic tool for America's youth. These programs provide mentoring, academic tutoring, summer classes, and other services to youth across our Nation to provide them with the resources and skills they need to be successful in college.

In my home State of California, we have 73 Upward Bound programs that serve approximately 5,600 students a year. Due to funding shortfalls, 186 programs nationwide are in jeopardy of being cut, including 11 programs in California. Four of these programs are in San Bernardino, a low-income area in southern California. These four programs were cut, not because of performance—they actually have proved to be very successful and have high program scores—but because of a lack of funding.

The conference report also includes the creation of an Asian American and Pacific Islander (AAPI) Higher Education Serving Institution designation, a provision that I and Senator AKAKA have championed in past. This designation would allow grants and other Federal assistance to be awarded to institutions that have a student enrollment of at least 10 percent Asian American and Pacific Islander and has a significant enrollment of financially needy students. The additional funding would help AAPI-designated institutions to fulfill their missions to assist students to meet their educational goals. The AAPI designation would apply to approximately 86 colleges and universities nationwide, and would apply to approximately 40 schools in California alone.

I am pleased to strongly support the passage of the College Cost Reduction and Access Act Conference Report.

No one should be denied the opportunity to go to college simply because of cost. This landmark legislation will help ensure that students and families across the country have the opportunity and freedom to attend the college of their choice. I strongly believe an investment in college aid is an investment in our Nation's future—and this bill advances this vision.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to herald the passage of the College Cost Reduction and Access Act. This bill not only helps students and families better afford higher education, it will ultimately ensure that our country stays competitive in a global economy. I thank my colleagues Senators KENNEDY and ENZI for their efforts on this important legislation and congratulate them on bringing additional dollars into the student financial aid system. I also look forward to completing the rest of the Higher Education Reauthorization package later this year.

The College Cost Reduction and Access Act makes significant steps to assist students in several important ways: by increasing student aid, especially the Pell grant; by addressing college debt; by increasing college access and expanding college preparation programs; by providing incentives for teachers to go to the neediest schools; by reforming the student loan system to benefit students; and by strengthening minority serving institutions. We have accomplished all of this without increasing the Federal deficit and actually providing $750 million in deficit reduction. We recapture $20 billion by reforming the student lending system in order to invest additional resources into preparing our students for the global economy.

The annual cost of college is staggering at roughly $13,000 a year to attend a public university and $30,000 on average for a private university. In Connecticut, 33 percent of family median income is needed to pay for a public college. Thirty three percent even

after financial aid is received! At a time when costs for other household necessities are rising and incomes are not keeping up, families and students are getting priced out of their opportunity to attend college.

This year alone, it is estimated that 400,000 high school graduates who are prepared and ready to go to a 4-year college will be unable to go because their families cannot afford it. If America is to remain the land of opportunity, then we must ensure that college is available to all of our citizenry.

Not only is paying for an education a daunting task, but the debt incurred to complete a higher education is astounding. In Connecticut, 58 percent of graduating seniors are leaving school with debt, at an average of $19, 440 per graduate. For low-income and moderate income students the thought of being saddled with a burden of debt prevents them from pursuing higher education at all. Aside from the Federal loan program, practices in the private lending system have been demonstrated to dig our students deeper and deeper into debt.

In this bill, we have also strengthened our commitment to recruit Americans to public oriented sectors—public service employees, childcare workers, and many others will be offered loan forgiveness on their direct Federal loans after 10 years of payments. By capping the repayments of Federal loans at 15 percent of one's discretionary income, this bill will also ensure that students can choose jobs that best suit them, rather than jobs that only pay the bills. Borrowers are also assisted by the interest rates on subsidized student loans being cut in half. Over four years, this rate will be reduced from 6.8 percent to 3.4 percent. Students will be enabled to pay off debt sooner with less interest due to this provision in the conference report.

Students in most need of assistance are the critical focus of this bill. I am pleased that minority serving institutions receive an additional $510 million to ensure that their students graduate. The Upward Bound program also receives an additional $285 million to prepare low-income students for a higher education. In order to ensure that all students are ready to go onto college, the new TEACH program provides incentives for students who agree to teach in high-poverty schools or teach high-need subjects.

This bill will also allow additional low-income families to automatically claim zero expected family contributions when filling out financial aid forms. This change will allow students of these from lower-income families to be eligible for increased Pell grants. Financial forms themselves will become more user-friendly to provide additional assistance for low-income families in accessing student aid.

I am very pleased with the increase in the Pell grant provided in this bill. The maximum Pell grant will be raised to $5,100, in 2008 and up to $5,400 by the year 2012. I wish it were much higher, considering the small portion of the cost of public education that a Pell grant provides today. The grant used to cover 80 percent of the average tuition, fees, room and board at a public university. Today the Pell grant covers an average of 29 percent. While I continue to advocate for even greater increases in the Pell grant, I commend my colleagues for taking steps to get us back to the 80-percent tuition coverage we achieved in 1975.

I would be remiss if I did not take a moment to talk about the private student lending market. Until we reach the goal of 80 percent of students' tuition being covered by Pell grants and other forms of Federal financial aid, many students have been, and will continue to be forced to turn to private and direct consumer and student loans, which are not guaranteed by the Federal Government and are not subject to loan limits.

Private student loans are now the fastest growing segment of the $85 billion student loan industry due to rising college cost, Federal financial aid remaining stagnant and increased demand for a college education. This concerns me for several reasons.

The underwriting for private loans is similar to that used for other forms of consumer credit. This means that student borrowers, who usually have little or no credit history, poor credit scores, or no parental cosigner, or whose parents have poor credit histories, will typically pay higher rates than those with good credit histories and those with parental cosigners with good credit. This model runs counter to the longstanding Federal purpose of student aid, which is targeting low-cost financial assistance to students with the greatest needs, one of the great success stories of our country dating back to the G.I. bill in 1944.

Earlier this year, at a hearing I convened within the Senate Banking Committee, committee members listened to testimony that detailed aggressive and questionable marketing practices and other unseemly industry practices, ranging from conflicts of interest to kickback schemes to consumer fraud, that have been unveiled by congressional and State investigations into the private student loan industry. The issues uncovered at that hearing led to legislation, ''The Private Student Loan Transparency and Improvement Act of 2007,'' which was marked up and approved overwhelmingly by the Senate Banking Committee prior to Congress adjourning for the August recess.

The ability to pursue a higher education is a fundamental element of the American dream. We must ensure that Americans have options to be able to pay for college, and I believe that private lending should be one of them. But students should have full and timely access to all of the information they need regarding the terms and conditions of private student loans in order to make a well-informed decision regarding the financing of their educational needs. Conflict-driven industry practices like revenue sharing and cobranding must be prohibited and student loan underwriting should occur in a manner that does not have a disparate or discriminatory impact on minority borrowers.

The legislation we passed within the Banking Committee would accomplish many of these important objectives. It requires lenders to provide more accurate and timely information to their customers about the interest rates, terms, and conditions of their products, thereby helping students better understand their financial options and obligations. It prohibits documented practices that have harmed students and families in obtaining the most competitive and affordable student loans and requires a government review into the extent to which private student loan underwriting practices may disparately impact student borrowers and colleges on the basis of factors including race and income levels.

I believe it is imperative that as we consider inclusion of the private lending legislation as a complimentary component to the Higher Education Act. We should ensure that this fast-growing market is well regulated and remains accessible and affordable as an alternative source of higher education funding for students who need them. I look forward to working with the managers of this bill towards that important goal.

The legislation before us will make college more affordable for students and their families. Reinvigorating our commitment to higher education as we do in this conference report keeps our country moving in the right direction. I urge my colleagues to further invest in our future by completing the Higher Education Act reauthorization before the end of September.

Again, I congratulate Senators KENNEDY and ENZI and all of my colleagues, including Representative MILLER, for providing the most significant assistance to our students since the G.I. bill.●

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. KENNEDY. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming controls 3 minutes 44 seconds, and the Senator from Massachusetts has 9 minutes 25 seconds remaining.

Mr. KENNEDY. Mr. President, I want to be notified by the Chair when I have 3 minutes left.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. KENNEDY. Mr. President, for those who have been watching this debate and discussion, we just want to underline one fundamental and very important concept and principle: that the $20 billion which is included in this legislation—which is going to be used in the ways we have described earlier

today, with the Pell grants, with the loan forgiveness for students who want to go into public service careers, for some relief for the middle class—not a nickel of that is taxpayers' money. That comes out of the lenders' pot of resources, which many of us believe is overly generous to the lenders. That is another issue. When we have time after the vote at 10:15, we will have some opportunity to develop that issue. But this is a transfer of $20 billion from the lenders for help and assistance to the students. There is no question about any of that. That is No. 1.

Importantly, as we are coming close now to the time where we are going to be voting on this issue, I am very mindful of those magnificent words of Nelson Mandela, one of the great heroes of the century, certainly of our generation. On the occasion he was asked about education, he said the most important weapon for change in the world is education. That is something those of us who are strong supporters of this proposal believe in. It was said, in my time, by President Kennedy, and also by President Lyndon Johnson, that no American, no qualified student should be denied—should be denied—a college education because of cost.

That is a concept. That is a value. I would think all of us on this side of the aisle believe that very deeply, and many on the other side of the aisle. We would not have made the progress we have made over recent years unless we had that kind of a commitment.

We have drifted from that kind of commitment, that ideal that was set by Mandela, that was understood by John Adams when he wrote of the importance of educating the common citizenry in the Constitution of Massachusetts. No state constitution has a more detailed ideal established in its constitution about educating the public than the Massachusetts Constitution, written by one of the greatest of our Founding Fathers.

It was understood by Horace Mann when he established the public school system—the importance of education, the importance of education in terms of opportunity and promise and hope. It was understood by Abraham Lincoln in the height of the Civil War when he established the land-grant colleges to help and assist the education of citizens all over this Nation. It was understood by Abraham Lincoln, understood by Dwight Eisenhower, when this Nation was challenged by Sputnik in the late 1950s and the development of the National Defense Education Act, understood by Franklin Roosevelt with the GI bill that has been available for more than 60 years starting with a generation that fought in World War II.

If you take the total cost of that GI bill that was expended—and as most economists have pointed out, there was a $7 return for every $1 invested in education, $7 returned for the cost of education. Talk about expending resources, talk about national priorities, this was the program that built the middle class in this country. This was the program that made America great.

Now we have the opportunity again to follow the wise counsel and judgment of some of the great philosophers—Nelson Mandela and John Adams—in our time and in our generation to renew that commitment. This bill is a downpayment for it.

I agree with my friend from Wyoming, we have to go ahead and do the reauthorization. We will do it. We are strongly committed to doing it. We have passed a bill here in the Senate, and the chairman of the House committee has committed that the House committee will do it, and then we will finish it together.

But this is an opportunity. This is the downpayment. This is not going to be the only action that is going to be taken by us in our continued march toward progress in terms of the education and hope for young people. Not all the problems are going to be resolved. Not all the problems are going to be solved. This is a downpayment.

When we look at the priorities of education at other times, we have to wonder why we are even having a debate on this issue—and why we are just talking about $20 billion. If you take what was expended on education, on investing in the GI bill over the period of the GI bill, it was a third of the total budget. If we spent now on education what we spent then, we would be spending 130 billion dollars—not $20 billion. Imagine that. $130 billion it would be, and we are only talking about $20 billion. We were spending at that time all of that—for what?—for educating the young people. Is there anyone in here who would say that was a mistake? Find the Members of the Congress or the Senate who said we have spent too much in terms of investing in the education of the children in our country.

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. KENNEDY. Find me that person. I remember being on the floor of the Senate when we had strong voices in opposition to the Pell grants, to Stafford loans back in the early 1960s. I do not hear those voices today. I do not hear those voices today. Why? Because we know when it is done well, and it is done right—and it has not always been, but in this case it is, in terms of the Pell grants, in terms of the loan forgiveness, in terms of some help and assistance and relief for middle-class families—it will make an important difference.

When we hear the eloquence of some of our colleagues and about the difference it has made for their education—whether it is DICK DURBIN, whether it is MARIA CANTWELL, who talks about the difference it has made in her family, whether it is PATTY MURRAY, who said all seven members of her family had help and assistance in terms of student loans, and all of those people are professional people today, paying taxes, repaying whatever those kinds of loans are.

Let's think about what this issue is about. This is about hope. This is about our future. This is about progress in America.

Finally, this is the kind of investment we need if we are going to deal with the challenges and problems of global competition. We will have a chance to go into this in greater detail after the vote this morning, but we need these kinds of investments, and the kind of investments we have in the reauthorization bill in terms of teachers and the kinds of investments we had in the COMPETE Act that was passed in a bipartisan way earlier this year. We need this in order to stay competitive in the global economy, to make sure America's economy is the strongest. We need this investment in terms of our national security to make sure we are going to have the men and women who are going to be able to defend this Nation and use the various kinds of technologies that are developed.

Finally, we need this investment in order to have a well-trained and educated citizenry who are going to be able to breathe life into the institutions our Framers established. That is what we are talking about. We are not going to achieve all of that with this legislation, but it is going to be a meaningful and ongoing and continuing commitment, and one that all of us who are supporting this proposal recognize as something that must be followed up on and strengthened and shaped as we move forward.

Mr. President, I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The senior Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself the remainder of my time.

Mr. President, I am always a little disconcerted that what the American public gets to watch is the debate on the Senate floor. This is not where we get most of the work done. This is not where there is agreement. This is where there is the disagreement and the branding of the different parties. It is important, but it is not what gets things done.

We have a bill before us today, and the Senate-passed reconciliation bill had a vote of 78 to 18. And we had some of these same discussions. Those discussions are important. As the only accountant in the Senate, I am appalled by the way we score bills around here, the way we come up with the different provisions, the different arguments that get made on the floor. But I would say the provisions of this conference report closely parallel many of the provisions in the Senate-passed bill.

There were clearly compromises made in reaching agreement on the conference report. We can point to things in the conference report that are there because of Republican and Democratic sponsors. In the end, it is a

product where the benefits to students outweigh the reservations that some of us may have.

Over 55 percent of the savings are dedicated to increasing the Pell grant award. In the next 5 years, low-income undergraduate students will see the maximum Pell grant award increase by more than $1,000. We will see who all takes credit for that, but that is what the bill does, and it will take people from both parties to get it passed. We increase the income protection allowance so students are not penalized for working and saving for college. The unique role that our not-for-profit lenders have in providing information and services to students has been recognized.

But at the end of the day, we must still reauthorize the Higher Education Act. Reconciliation is such a small part, and we cannot leave out the other part or we will close the door on our students. We have to reauthorize the Higher Education Act that provides the FAFSA simplification, year-round Pell, financial and economic literacy, better college cost information, and improvements in outreach and student support service programs such as GEAR UP and TRIO, in which all of us have an interest.

We have passed eight extensions of the Higher Education Act, starting in 2004. The current extension expires on October 31. How much longer do we have to wait? My goal is to not have a ninth extension on the Higher Education Act. My goal is to debate and pass a higher education reauthorization conference report. I look forward to working with Senator KENNEDY and the House to get this accomplished, or else no matter how you slice it, the biggest piece of higher education is left undone.

I will have more comments to make on the accounting on these different things as we get into further debate after the vote. We did agree to a 10:15 vote, and I want to stick to that. I have a lot of people I would like to thank. I will also save that for later. I believe my time has expired.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. All time has expired.

The question is on agreeing to the conference report.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 12, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—79

Akaka	Ensign	Murray
Alexander	Enzi	Nelson (FL)
Barrasso	Feingold	Nelson (NE)
Baucus	Feinstein	Pryor
Bayh	Grassley	Reed
Bennett	Harkin	Reid
Bingaman	Hatch	Rockefeller
Boxer	Hutchison	Salazar
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Byrd	Johnson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Kyl	Specter
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Webb
Dole	McCaskill	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NAYS—12

Allard	Coburn	Hagel
Bond	DeMint	Inhofe
Bunning	Graham	McConnell
Burr	Gregg	Vitter

NOT VOTING—9

Biden	Dodd	McCain
Clinton	Kerry	Obama
Craig	Lincoln	Roberts

The conference report was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 10, at 10 a.m., the Senate proceed to executive session to debate en bloc Executive Calendar Nos. 238, 239, and 241; that there be 60 minutes for debate on the nominations equally divided between Senators LEAHY and SPECTER or their designees; that at 11 a.m., the Senate proceed to vote on Calendar No. 238, followed by a vote on Calendar No. 239, followed by a vote on Calendar No. 241; that the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session; that Senator BARRASSO be recognized to speak in morning business—as a side note, this is his maiden speech in the Senate—for up to 30 minutes, following which the Senate begin consideration of H.R. 3074, the Transportation appropriations bill.

I will also say, while the distinguished Republican leader is present, we are going to complete the Transportation bill next week. The last vote next week will be at about 1 o'clock, no later than 1 o'clock because of the beginning of the Jewish holiday at sundown.

I have talked with the distinguished Republican leader, and we have some items we are going to look to on September 17 and 18. On September 17, there will be no votes. On September 18, there will be votes. We are going to try to develop—we have not done it yet; I have had a number of conversations with the Republican leader—as to how we proceed on the Iraq matters. We need to finish the Defense authorization bill. We want to make sure there is time to adequately debate that measure. But we also want to again address the Iraq situation. We have people, as I speak, trying to work out something that will be different from what we have done in the past. I hope that can be done, something on a bipartisan basis. We still may have to do the partisan matters. But, hopefully, Senators working together can come up with some way we can proceed on that issue. We are not there yet.

I want to alert everyone that during the week of September 17, we are going to have to do a lot of work on Defense authorization and also the Iraq matters. We hope we can complete the bill that week. Again, we are not at a point where we are near able to work out a unanimous consent agreement on that measure, but I have kept the minority advised about every step we have taken in this regard.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will not be objecting, I want to underscore that the speech to which the majority leader referred will be the maiden speech of our new Senator from Wyoming, Mr. BARRASSO. That will be Monday. I look forward to hearing what he has to say.

Also, the majority leader indicated we will be discussing the way forward on our next Iraq debate, how to structure it in a way that is fair to all interested parties. The majority leader and I will be continuing to discuss that matter in the coming days.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time? The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I wish to take a few moments, first, to thank all of our colleagues for the overwhelming, bipartisan support for the conference report. This exceeded the vote we had earlier on our education measures, and we also had a number of absentees today who indicated favorable support for the legislation. This is a very important statement about where we are as a country in terms of the education issue. This ought to be reassuring for the students, parents, and families of our country.

Again, I am immensely grateful to my colleague and friend, Senator ENZI. Without his strong support in the shaping of both the reauthorization legislation and this legislation, we certainly would not be here. He spoke very eloquently and well about the importance of the reauthorization. It is a viewpoint which I share for the reasons he has outlined. The simplicity of the financial aid application is key. We have 400,000 young people who are qualified for college but who do not go to college. Many do not go to college because they cannot work their way through those ten pages of an extremely complex, difficult questionnaire, and they do not have the support systems to assist them. This reauthorization will assist not only in the simplification of the FAFSA that Senator ENZI personally took a great deal of time with, as well as Senator REED, but also with regard to teachers in underserved areas and the transparency provisions that will help parents understand the costs of various universities.

The legislation has a number of noteworthy features that the Senator outlined in his statement. With this strong vote, we want to give assurance that we look forward to working eagerly with the House to make sure we have a successful passage; doing so will maximize the impact of this legislation we just passed.

We will certainly work on the issue of college cost reduction and higher education access. And we have a number of other education issues we are working on as well. We understand the importance of the reauthorization of the Head Start Act and the provisions dealing with early education. We understand the importance of reforms of K–12, the importance of tying in kindergarten into the early grades. We understand the importance of getting well-trained teachers in underserved areas, the importance of parental involvement, the challenges out there with regard to disabled students, the challenges so many students are facing in terms of limited English-speaking capabilities, and the issues around accountability and growth models. There are a lot of complex issues, but we certainly want to wrestle with those and eventually have, as a result of working together in our committee, a seamless web of progress in the education systems in our country. That is certainly our intention. We are well down the road with the actions that have been taken today.

I wish to mention a few of these items we have in the legislation. Before I do, I wish to personally mention the individuals who worked long and hard on this measure. I failed to do it during the earlier presentation when we were under more limited time, but, as I think Senator ENZI knows very well, we have been blessed with an extraordinary group of individuals who work long and hard. Much of the legislation—the authorization and also the general format of a good deal of what we have done today—has been in the works for a number of years. It did not just happen this year. The authorization legislation we passed basically had the name of Senator ENZI on it before the changes that took place in the elections. We have been working very hard. We have been enormously blessed by an extraordinary group of men and women who have worked with us. These are complex, difficult issues with incredible implications.

We have on our Education Committee a membership that is very involved and engaged on education issues. All of them have ideas. One of the things that makes that committee so interesting is that we have an enormous number of ideas and suggestions, and it has taken a good deal of time to try to work with our colleagues on both sides of the aisle and then with the House. That was achieved.

I will certainly mention some of those who have done such an extraordinary job, and we are very much in their debt. Obviously, we are all honored to serve as Members of this institution, but those who have worked on this legislation should take a great deal of satisfaction in the difference they have made though shaping this legislation, because they have played an indispensable role, and we value very much their continued contribution.

On my staff I would like to thank Michael Myers, who has been the chief of staff of our HELP Committee, Carey Parker, a longtime friend and legislative assistant, Carmel Martin, Missy Rohrbach, Erin Renner, and J.D. LaRock. We have Emma Vadehra, Nick Bath, David Johns, Raquel Alvarenga, Liz Maher, Lily Clark, Jennifer Fay, Ches Garrison, Scott Fay, Melissa Wagoner, Dave Ryan, and Jay McCarthy.

This has been a bipartisan process all the way. I would also like to thank Senator ENZI's wonderful staff, specifically Katherine McGuire, Ilyse Schuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Amy Shank, and Kelly Hastings.

I also thank MaryEllen McGuire, Taneisha Woods, and Jeremy Sharp of Senator DODD's staff; Rob Barron, Ellen Murray, and Mark Laisch of Senator HARKIN's staff; Robin Juliano and Chris Fick of Senator MIKULSKI's staff; Michael Yudin of Senator BINGAMAN's staff; Kathryn Young of Senator MURRAY's staff; Seth Gerson of Senator REED's staff; Mildred Otero and LaToya Johnson of Senator CLINTON's staff; Steve Robinson of Senator OBAMA's staff; Huck Gutman of Senator SANDER's staff; and Will Jawando of Senator BROWN's staff.

I would also like to thank Senator REID's staff, Randy DeValk, Gary Myrick, and Jason Unger, and his outstanding floor staff without whom none of us could do our jobs, Marty Paone, Lula Davis, Tim Mitchell, and Trisha Engle.

I thank especially Senator CONRAD and his staff. Without them, there is no way we could have completed this bill. So thank you, Mary Naylor, Joan Huffer, Lisa Konwinski, and Robin Hiestand.

And I would like to thank Liz Engel of the Democratic Policy Committee.

I would also like to thank David Cleary of Senator ALEXANDER's staff; Allison Dembeck of Senator GREGG's staff; Celia Sims of Senator BURR's staff; Glee Smith of Senator ISAKSON's staff; Karen McCarthy of Senator MURKOWSKI's staff; Juliann Andreen of Senator HATCH's staff; Suzanne Singleterry of Senator ALLARD's staff; Alison Anway of Senator ROBERTS' staff; and Matt Blackburn of Senator COBURN's staff, all of whom put in many hours to make this bill a reality.

As always, we worked closely with Chairman MILLER's staff, and I would like to thank them as well. Mark Zuckerman, Alex Nock, Gaby Gomez, Julie Radocchia, Jeff Appel, and Stephanie Moore all worked tremendously hard, and Chairman MILLER is lucky to have them.

I would also like to thank the Parliamentarian, Alan Frumin, and Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson, and Leigh Hildebrand for their assistance throughout the process.

More than most, this bill has required significant help and assistance from the Congressional Budget Office, and I would like to give them a special thanks. Paul Cullinan, Deborah Kalcevic, and Justin Humphrey have put in tremendous work—nights and weekends and everything in between—to model and estimate the budgetary effects of the complex provisions in this bill, and all the many iterations and changes that the committee considered. I don't know what we would do without them. We certainly wouldn't have been able to move this legislation as expeditiously as we did.

I would also like to thank Mark Koster, Kristin Romero, and Amy Gaynor in the Senate Legislative Counsel's Office, as well as Steve Cope and Molly Lothamer in the House Legislative Counsel's Office, who also worked nights and weekends to assist in drafting the language and working out technical issues in the bill.

Finally, I would like to thank members of the education team at the Congressional Research Service—Adam Stoll, Charmaine Mercer, Jeff Kuenzi, and Dave Smole, whose expertise was invaluable throughout this process.

I wish to take a few moments to highlight briefly, once again, in greater detail, what the conference report will do. I outlined in the earlier presentation the highlights and the reasons for the legislation, but for a few minutes I wish to once again remind those who are interested in the benefits the legislation provides for all the borrowers.

It is a historic increase in the need-based grant aid—the greatest increase since the GI bill. That helps the neediest students. We talked earlier about how we should set as a goal not to let a single qualified student lose the opportunity to get a college education because of cost. We still have a long way to go. We recognized earlier in the debate that the cost of college has gone up extraordinarily. But at the same time, grant assistance has basically stabilized or gone down in real terms, and the earning power of the middle class has been level or has fallen slightly over the period of recent years.

So in this legislation we have tried to provide real assistance on the issue of burden in the percentage of repayment. We have done, I think, a first-rate job in setting better repayment options that cap a borrower's monthly payment at 15 percent of their monthly discretionary income. We have included loan forgiveness for borrowers in public service jobs, and protection for working students by not penalizing their earnings. So many of these students go out and work, and work hard, to earn a little money, and yet then they are outside the eligibility to benefit from some of important grants in terms of assistance. So we have addressed that issue. And we have provided matching grants to States to improve college access.

We cut interest rates—I was referring to that earlier—on new undergraduate subsidized loans from 6.8 to 3.4 percent by 2011.

We provide for scholarships of $4,000 per year for high-achieving students who commit to teaching high-need subjects in high-need schools. We didn't emphasize or stress that during the early presentation. This is one of the great and important provisions in this legislation. I think we all understand we need a well-trained teacher in every classroom in America, and we need well-trained teachers in particular in inner-city schools and also in rural and underserved communities. We need them to have the skills to serve, so we provide some important assistance to that end.

Senator ENZI mentioned in the reauthorization that we provide other kinds of incentives for schools and colleges to also move in that direction.

We support the Historic Black Colleges and other minority-serving institutions, such as Hispanic serving institutions and tribal colleges and universities. We increase funding for the Upward Bound Program to provide tutoring and other support to help disadvantaged students prepare for, apply to, and succeed in college. I will show why that measure is so important in a moment.

And we provide these benefits—all of these benefits—at no cost to the taxpayer by reforming the student loan industry so that it works for students and not the banks. That is the basic concept.

As we mentioned during the course of the earlier discussion, we provide loan forgiveness to graduates in public service. This chart mentions the various professions in which individuals can be involved to gain that kind of opportunity. They can be in public safety, law enforcement, public education, early childhood education, child care, public health—with all the Public Health Service agencies; or they can be working with special needs children and the disabled community, which is enormously important; the elderly, and the frail elderly—increasingly a challenge for our country; public interest law—these are all the public defenders and legal services attorneys, as well as prosecutors; public libraries; nonprofit organizations; or teaching full time at a tribal college or university.

I mentioned earlier the article in Time magazine this week that talks about the attitudes of students in colleges all over this country, and that it is the desire of so many of these young people to be involved in public service and to help respond to the needs in their communities. They want to be part of the solution, not part of the problem. So often, because of their indebtedness, they have to choose careers in order to deal with the indebtedness. So this legislation will open up or help us take advantage of that idealism that is out there. We are giving them a pathway to making a difference in terms of the future of our country, and I think that is enormously important. That is one of the most important parts of this legislation. We have tried to work on it, and I think it will be very important.

I might give a quick example of how the loan forgiveness works. A starting teacher in my State, making a salary of $35,400, has an average debt of about $18,100. Under the loan forgiveness plan, where he or she would not pay more than 15 percent of their disposable income, they will save $730. If they continue to work as a public educator, more than half of their indebtedness will be forgiven after the required period of their service.

If you take a similar situation, this is a police sergeant with a child in Arkansas, making an annual salary of $28,200, with a debt of $17,000. This will help save him or her $1,100 a year in terms of repayment. At the end, if he or she stays in law enforcement for ten years, $14,800 of the $17,000 debt will be forgiven. $14,800 of the $17,000 debt if they stay working in law enforcement.

So this gives you a good illustration about the loan forgiveness.

As was mentioned earlier, the higher education reauthorization bill, which Senator ENZI referred to, addresses rising costs by requiring colleges to publicize college cost information. This is a real problem. Parents have a difficult time understanding what the real costs are. There are fees and more fees—tuition, room and board. I was absolutely startled when the daughter of a very good friend of mine, attending one of our finest colleges, indicated to me the cost of the schoolbooks for going on to college—over $100 for a freshman schoolbook in a rather general subject matter. These are surprises that you are faced with; the several hundred dollars additionally that people are unaware of.

I know some of our colleagues have talked about this and we are certainly aware of this challenge and so we are going to try to see what we can do to help provide some assistance there.

Reforms to the student loan system will ensure that colleges are recommending lenders based on the best interest of their students. Those are the ethical provisions we have added as a result of the investigations received broad support in this from the colleges and universities. Many of them were stunned by what has been happening, and they have been enormously cooperative and helpful.

And I want to talk about simplifying the financial aid form. I give great credit to Senator ENZI and Senator REED on this. They have simplified this form from an enormously complicated ten pages of questions to just two pages of essential questions. That will make a big difference.

This strengthens GEAR-UP and TRIO to improve preparation for higher education. The record of these programs has been extraordinary in terms of providing the bridge for many of those who come from disadvantaged backgrounds to get them started into college, and in terms of giving them the assistance and the followup so they will need complete their higher education.

Then, also, the reauthorization reforms and improves our teacher preparation programs. Teachers are the backbones of our schools, and the bill will promote high-quality teacher preparation programs, and recruit good teachers to teach in high-need schools—where they are needed most.

So those are some of the essential elements in the reauthorization.

As we said earlier, we are investing more here in the Pell grant. Here, I have the chart of what has happened in terms of the failure to increase the Pell grant to keep up with the cost of college. This demonstrates where we are going with one very important aspect, and that is the assistance in the Pell program. It has remained flat in the past. You can look from 2002 all the

way to 2006, and now we will go to $5,400 by 2012.

There has been talk that there had been some increase in Pell, all of which is true, but that was because there was an increasing number of poor students who were eligible for the Pell grant. We have nearly 5 million more people living in poverty today than in 2000. So we put more money into Pell to cover more students, but that did not keep up with the growth needs for the grant amount. The point being, this is a very important increase in terms of the cost. As the Chair, Senator BROWN, pointed out, an increase in the cost of universities, a failure to provide an increase in grants, and the leveling of salaries of people have made it very difficult for many to pay for college.

In my full statement, I point out in a more dramatic form, what is happening in terms of the need for many of these students and that what we are seeing currently in our education system is the increasing divide of America. I think all of us believe, or should believe, that if we are going to be one country, with one history and one destiny, we don't want education adding to the separation of a divided nation. It ought to be bringing the country together—based upon ability, based upon hard work and enterprise and a willingness to work and to achieve and accomplish. What we have found in our education system now, for a number of reasons, though unintended, it is working to divide the country. It should not be. That is a very important issue that we have tried to address in a number of different ways in this legislation. I believe it is very important to do so. We have not emphasized it, stressed it that much in our earlier comments, but it is an underlying commitment we have.

In my more complete statement, I have reviewed the different ways we tried to do this. We are going to continue to work at it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As I said when we began our debate this morning, our Nation has always looked to education as the pathway to progress and prosperity. After John Adams recognized education as a fundamental right in the Massachusetts constitution, we embraced this view in my home state by creating the first college and first public school in the nation. A few decades later, legendary reformers such as Horace Mann, first recognized that public schools would be the ''great equalizer'' that delivers opportunity for all to fulfill their potential.

At the height of the Civil War, Abraham Lincoln signed the legislation creating the land-grant colleges and made a commitment on behalf of the nation to the education of the children of our country. During the Industrial Revolution, we rose to the challenge once again. We established free public schools. At the turn of the last century, we founded public high schools to enable the nation to move forward. And after the Second World War, we passed the GI Bill to enable those who served in war to rebuild their lives at home. For every dollar we invested, the Greatest Generation returned $7 for our economic growth.

The landmark success of the GI Bill shows us what a difference higher education makes. The bill granted World War II veterans up to $500 each term—the equivalent of $5,600 today. It swung the gates to college wide open—and half of all veterans went through those gates determined to create a new life for themselves and their families. More than five million veterans received vocational education or job training, and more than two million attended college.

In 1940, the average GI was just 26 years old and had attended only one year of high school. The bill even enabled many of these GIs, who had served the country so magnificently, to become professionals. In 1957, we were called to action once again. The Soviet Union began a new Space Age with the launch of Sputnik. We rose to the challenge by passing the National Defense Education Act, and by inspiring the nation to land on the moon. We doubled the Federal investment in education.

Today, we need a similar bold new commitment to enable the current generation of Americans to rise to the global challenges we face. The Higher Education Conference Report we consider today makes that commitment. Today, we'll help millions of students achieve the American dream by providing $20 billion in new college aid—the biggest increase in student aid since the GI Bill.

Just a few weeks ago, the Senate overwhelmingly voted to approve this bill. Let's look at what the Senate bill did:

It provided a historic increase in need-based grant aid, by raising the maximum Pell Grant by almost $1,100 over the next 5 years, to $5,400 from $4,310 today.

It provided new student loan repayment options that allow borrowers to cap their loan payments at 15 percent of their monthly discretionary income.

It offered loan forgiveness to borrowers who work for 10 years in a variety of public service jobs. This includes public school teachers, law enforcement and emergency management professionals, social workers, librarians, prosecutors and public defenders, public health doctors and nurses, and child care workers.

It protected working students by not penalizing their earnings, by raising the ''income protection allowance'' from $3,000 to $6,000 for dependent students, and increasing it by 50 percent for independent students.

It initiated a new program that provides matching grants to states so they can provide more college access activities to students.

Our Senate bill provided all these benefits at no cost to the taxpayer—by cutting the outrageous subsidies the government gives to lenders. We gave that money to the students, where it belongs. The Conference Report we consider today maintains all these benefits to students. But it does even more for students. In addition to the benefits I've just described, the College Cost Reduction and Access Act:

Cuts interest rates on new subsidized Stafford loans for undergraduates from 6.8 percent to 3.4 percent by 2011—a step which will help millions of students manage their student loan debt more effectively.

It provides scholarships of $4,000 per year to high-achieving college students who commit to teaching high-need subjects like math and science in high-need schools.

It provides more than $500 million to support Historically Black Colleges and Universities, Hispanic Serving Institutions, and other colleges that serve minority students.

It increases funding for the Upward Bound program by more than $200 million, which will help provide tutoring and other support services to help disadvantaged high school students prepare for, apply to, and succeed in college.

This is the bold commitment that our students and families deserve, and it couldn't come at a better time. We all know that a college education is more important than ever, but it's never been more expensive. The cost of college has tripled in the last 20 years. Yet, family incomes are not keeping up with rapidly-rising college prices. Last week, the Census Bureau released new data showing that median household income in America increased just seven-tenths of one percent last year. Meanwhile, the cost of college increased 6 percent.

In fact, over the last twenty years, the cost of college has increased more than twice as fast as median household income. Since 1986, costs have increased by 216 percent at public colleges, and 208 percent at private colleges. But median household income has gone up just 93 percent over that same time. During the same period, grant aid has not kept up pace with increasing costs.

Twenty years ago, the maximum Pell Grant covered 55 percent of costs at a public 4-year college. Today, it covers only a third of those costs. The gap between the maximum Pell grant and the cost of attendance at 4-year public colleges has increased almost $3,500 since 2001–2002. Today the gap is $8,746. For years, under Republican control of Congress, the maximum Pell Grant was stuck near $4,000. Earlier this year, Democrats increased the maximum grant to $4,310. But that's far from enough.

Increasing costs and stagnant grant aid are closing the doors to college for many middle-income and low-income students and families.

The lowest income students on average have an unmet need of $5,800. Each year, 400,000 students don't attend a 4-year college because they can't afford to do so. It's shameful that low-income students—even those who have worked hard and done well in high school—are less likely to attend and complete college than high-income students. Just one fifth of low-income eighth graders will graduate from college. But 68 percent of high-income students will do so.

That's unacceptable.

By providing the biggest increase in student aid since the passage of the G.I. Bill, our bill will help close these gaps. Of the $20 billion in college aid that our bill provides overall, $11.4 billion is allocated for additional grant aid. Our bill immediately increases the maximum Pell grant by $500 next year, to $4,800 from $4,310. By 2012, the maximum Pell Grant will increase to $5,400.

Who will be helped by this bill? It will help students like Sara, who was a first-generation college student. She graduated from Norfolk State University and earned her Master's degree with the help of the Pell Grant and other aid programs. Sara says that the Pell program helped her family know that a better day was coming for them. This bill will help students like Natalie, from Massachusetts, who's a single mother enrolled in college for the first time. She says that without Pell grants, she ''would be stuck in this way of life, with no 'light' to look forward to . . . knowledge is power and education is key.'' More than 5 million students rely on the Pell grant—5 million.

This bill provides the help and assistance that millions of Americans need in order to access and afford a college education. This increase in aid is long overdue. But we cannot stop there. Students and families also need our help to manage the crushing burden of student loan debt. As the cost of college continues to rise, the crisis of student loan debt is growing worse. In 1993, fewer than half of all students took out loans to finance their education. But today, more than two-thirds of students borrow for college. Today, the average student leaves college with more than $19,000 in student debt.

This mountain of debt is distorting the basic life choices of countless Americans. It's forcing them to delay getting married, delay buying a home, and delay starting a family. It's discouraging many young people from choosing careers in fields such as teaching, social work and law enforcement—the low-paying but vital jobs that bring large benefits to our society. No student should have to mortgage their future in order to pay for higher education. That is why our bill also cuts interest rates in half—to 3.4 percent from 6.8 percent—on new subsidized Stafford Loans for undergraduates, which goes to the neediest students.

By cutting the rates in half, we reduce the interest rate on these loans to some of the lowest levels ever in the history of the federal student loan program. These reductions will provide much-needed help to the 5.5 million students who take out subsidized student loans each year. Reducing interest rates will clearly help students. Under a standard 10-year repayment plan, a borrower with $18,000 in subsidized loans will have their interest payments reduced by 35 percent, from almost $6,900 to less than $4,500. That student will save almost $2,400 in interest payments. Borrowers who consolidate their subsidized loans will save even more. For example, a borrower with $13,800 in subsidized student loan debt—the average amount—will save $4,400 over the life of their loan.

Our income-based repayment plan—which gives borrowers the option of capping their loan payments at 15 percent of their monthly discretionary income—will help save borrowers even more. And when it's combined with our public service loan forgiveness plan, the help we'll provide to students will be truly remarkable. Teachers, emergency management technicians, law enforcement professionals, public health doctors, nurses, social workers, librarians, public interest lawyers, early childhood teachers—and many others—will be eligible for loan forgiveness. Take, for example a starting teacher in Massachusetts who makes a salary of $35,421:

If that teacher graduated with the average loan debt for the State—$18,169—he or she will have a monthly payment of $209.

Under the income-based repayment plan, that monthly payment would be reduced to $148 instead—$61 less.

Over the course of the year, that teacher would pay $732 less than under the standard repayment plan.

If the teacher stays in the job for 10 years, the remaining debt would be cancelled altogether—in this case, a benefit of over $10,000. Or let's consider a starting legal services attorney, who makes $36,000 a year:

If that student graduated with the average loan debt for lawyers for the State—$51,056—he or she will have a monthly loan payment of $588.

Under the income-based repayment plan, those monthly payments would be $259—that's $329 less.

Over the course of the year, that legal aid attorney would pay $3,948 less than he or she would have paid under the standard repayment plan.

And if the legal aid lawyer stayed in the job for 10 years, the remaining debt would be cancelled—in this case, a benefit of over $50,000. Or let's consider the example of a police sergeant with a child in Arkansas, who makes $28,289 a year:

If that sergeant graduated with the average loan debt for students for the Arkansas—$17,000—he or she will have a monthly loan payment of $196.

Under the income-based repayment plan, because the sergeant is supporting a child, those monthly payments would be reduced to $97.

Over the course of the year, the sergeant would pay $1,185 less than he or she would have paid under the standard repayment plan. And if he or she stayed in law enforcement for 10 years, the remaining debt would be cancelled—in this case, a benefit of over $14,800.

Our bill pays for these valuable measures, not by increasing the burden on taxpayers, but by reducing unnecessary subsidies for lenders who take part in the federal student loan programs.

Today, thousands of lenders offer college loans. The largest, Sallie Mae, is so profitable that a group of investors recently offered to buy it for $25 billion—more than 40 percent above the value of its stock.

The lenders claim that if Congress reduces their subsidies, it won't be profitable for them to make student loans anymore, and they'll leave the business. But when Congress has reduced subsidies in the past, the lenders' profits have still gone up, not down. Here's a chart that Sallie Mae itself produced. It shows that even though Congress has reduced subsidies several times in the past, the company's profits have continued to go up and up. In 2006, Sallie Mae made $1.1 billion in overall profits. Obviously, there's still plenty of room to reduce lender subsidies further.

Lenders also claim that if we reduce their subsidies, they'll be forced to reduce the benefits they offer to borrowers on student loans. But what they don't tell you is that many of the benefits they offer are phantom benefits that few borrowers ever receive. According to an independent analysis by Finaid.org, the average borrower saves only $118 through borrower benefits offered by private lenders.

By contrast, the Pell grant increase in our bill will provide an additional $2,360 in grant aid over the next four years, which translates to $3,260 in lower loan payments. When fully phased in, the increase will provide an additional $4,360 per student, which means over $6,000 less in loan payments over the life of the loan. If lenders wanted to offer a comparable benefit, they would have to provide over 40 times the level of benefits they now provide.

Finally, lenders claim that if we cut their subsidies, small lenders will be forced out of the FFEL program, restricting borrower choice and leaving only the big banks in business. Smaller lenders have made this argument before. But when Congress has made sensible cuts in the past, the number of lenders has risen, not fallen. Right now, more than 3,500 lenders make federal student loans—the highest number ever in the history of the student loan program. Let's be clear about what smaller lenders typically do. Most of them simply sell the loans to the larger lenders, soon after the loans are made. That's why the biggest lenders hold so many loans.

Lenders will no doubt continue to complain that the cuts in this bill are too deep, but the reality is that our bill restores the balance to this grossly unfair student loan system by directing funds to the students, not to the banks. It will also encourage long-term reform of the student loan system by creating a pilot program in which an auction will be used to see what subsidies are necessary to keep banks involved in the student loan program.

For years, the federal government has used auctions to determine prices on everything from broadcast spectrum rights, timber-cutting rights, oil and gas drilling rights—even the price of infant formula delivered through the WIC program. There's no doubt we can use auctions to operate the student loan programs more efficiently. The money we save through this pilot program will be sent back to where it is needed most—to increase access to college for students through a state matching grant program.

I also want to reiterate my commitment to the Higher Education Reauthorization bill. Just a few weeks ago the Senate voted unanimously for this bill. It's critical that we complete work on it this year.

The reauthorization bill takes steps to ensure that the student loan system is working in the best interest of students, by pursuing needed ethics reforms in the student loan industry.

It simplifies the federal financial aid application and delivery process, to ensure that this complex system does not work as a barrier to access for low-income students.

It demands that colleges do their part to keep college costs down. If we do our part to provide needed student aid, they must do their part to keep their tuition and fees reasonable.

And it reforms and improves our teacher preparation system. Teachers are the backbone of our schools. The reauthorization bill promotes high-quality teacher preparation programs, and helps recruit and retain high-quality teachers in high-need schools.

The Higher Education Reauthorization bill goes hand in hand with the legislation before us today. Senator ENZI and I look forward to working with our colleagues in the House to ensure that it is also enacted before the end of this session. For many years, Congress was guided by one clear principle with respect to higher education—that no qualified student should be denied the opportunity to attend college because of the cost. I know how important that principle was for President Kennedy. My brother believed very strongly that if you work hard, study hard, and are accepted to college, you should be able to attend the college of your choice—without regard to cost. That view resonated powerfully with students and families, and it helped create the groundswell that led to the creation of the Higher Education Act of 1965.

We've lost sight of that principle in recent years, but with this bill, we will renew it once again. I'm grateful to my colleague Senator ENZI, and to all the Members of our Committee who helped shape this important legislation. Because of their able work, the Senate approved the legislation earlier this summer with a resounding bipartisan vote, and I look forward to final passage of this bill by a similar strong bipartisan majority.

I again thank all of our colleagues and staff and yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming is recognized.

Mr. ENZI. I thank the Senator from Massachusetts, Mr. KENNEDY, for his great explanation of what is in the bill we just passed. As the debate on this conference report comes to a close, it is necessary to thank those who worked long and hard to get us to this point. It has been a lot of people. I appreciate the extensive list that Senator KENNEDY had.

Chairman KENNEDY has done a marvelous job of pulling everybody together, covering very diverse topics, some of them very controversial, and working through them. What I always like to point out to people is that is not always a compromise. Sometimes it is a third way. What we are trying to do is get to a goal. This bill goes a long way toward getting to that goal. I thank him for his commitment to not only moving forward with this bill but to joining me in pressing for the comprehensive higher education reform bill.

I would also like to thank everyone on my staff who has worked to get us to this point. In particular, I would like to thank Katherine McGuire, who directs the whole operation, all of the different bills we are working on. There are actually about 55 in the process, covering health, education, labor, and pensions.

I would like to thank Beth Buehlmann, who has been the education guru on our side, who has led the team that I have that has helped put together these different packages in the education area. I have to say, our committee covers everything from birth to death because we start with preschool and then we have elementary and secondary education, then we have higher education, then we have continuing education. In this day and age, it is important for people not just to graduate from college, it is important for them to continue to learn. Of course, there is a direct relationship between how long you continue to learn and how long you live. But it is going to be even more important as the baby boomers are retiring that we encourage a lot of them to continue in the workforce—perhaps in different jobs than they have ever done before. So we have a lot of things we need to get done yet that we have been working on.

Head Start is one of those preschool programs we have. We actually handle 69 preschool programs. We need to do some condensing on that so we eliminate some duplication, some excess, and some spending. But Head Start has already passed the Senate, it has already passed the House. We are working very carefully to get that finished up now with a conference report, and I think we are making good progress on that.

On No Child Left Behind, the House has informed us they now have their draft proposal ready to discuss. We have been working on that in a very bipartisan way for a long period of time now, going back into the last session of Congress and now into this one. Again, I congratulate Senator KENNEDY for the way he has held coffees to bring in experts who can clear up, in a more casual atmosphere, some of the difficulties, give us a better understanding and share with us some of their ideas on how that can be achieved. It has been extremely helpful. We have had meetings with Chairman MILLER and Ranking Member MCKEON from the House along with the President and First Lady and the Secretary of Education on numerous occasions. Those have been very bipartisan.

I would be very remiss if I failed to mention the commission that has been working on No Child Left Behind that provided us with a number of proposals, suggestions, advice on what needs to be done to make that even more effective. Those have been, again, worked on in a very bipartisan way to see which fit with all the other ideas we have. I think we will come up with a plan for that which will improve the system. It will eliminate some of the feeling that it is just about evaluating teachers and will give them more tools to know what their students are lacking so we do not leave whole groups of children, or individual children, without an education. That is the whole purpose of the program.

We are also trying to work in the high school area, where we can eliminate dropouts and eliminate some of that remedial work which is needed when they get to college. That remedial education costs billions of dollars to parents and to taxpayers.

Another important piece to this puzzle that we need to do is continuing education. We have passed unanimously through the Senate, twice over the last 3½ years, the Workforce Investment Act. This is an act which would train 900,000 people for higher skilled jobs or different jobs than they have held before, so they can retire and do something different and still be a contributing part of the workforce and continue to have revenue coming in. But we have never been able to conference that bill. I think that is a crime. We need to get it through once again, through the Senate, and get it conferenced.

I know some of the concerns were what might happen in conference. Now it is our side that should have the concerns about what could happen in conference because, as we have seen in conference, actually the minority can be left out of the process. I hope that would not be the case. But there is a lot of devilment that could be done, and that is why we didn't get to conference the Workforce Investment Act. I kept assuring that would not happen in conference, but now the other side should know for sure that anything they were worried about the Republicans doing in conference will not happen. I will try to convince the Republicans that the Democrats will show equal courtesy and we will not have to worry about what they might do in that bill and we will wind up with something that will actually train people to higher skilled jobs so we don't have to outsource those jobs to other countries. That is what is happening now. We don't have this training process to the level of flexibility where it really serves the people in the new occupations that are coming up.

The kids in school now will undoubtedly have more than a dozen different careers. Not different employers; that is real easy—you just quit one, move to an another, work essentially the same kind of job. That is not what I am talking about. I am talking about moving to a new career. Why is that essential? Because a lot of the jobs that are available today will not be available in the future. Out of those 14 different occupations that a person will probably have, 9 of them haven't even been invented yet. That is how the world is changing. We have to be sure that the whole education process, from preschool to death, conforms to the new economy so people in the United States, citizens of the United States are the ones getting the good jobs; that we are not sending them, with the new technology, to other parts of the world. We can do it. We are a very innovative country.

This bill we have done today will go a long way to helping in higher education, but what we focused mostly on was just the financing. There are a lot of pieces of higher education which go beyond that and which the chairman and I have been emphasizing to the House that they need to get done, and we are hoping to have some very firm dates on when they will get that done. This could get into a Presidential election situation if it goes much longer. That probably would not be productive for higher education or our kids, so we need to get it done right away.

I have mentioned numerous times the things that have been left out of the reconciliation bill. I will not go back through all of those again, although I have some great charts, but I would emphasize again that needs to be done.

I will mention one area again because this goes back to a story from my earlier days. My first child was applying for college. I had to face this formidable form as an accountant. As an accountant, I have trouble understanding not only parts of the form but parts of the worksheet. This is a typical Government thing. They give you a worksheet to be able to fill in a blank of the final form, and the worksheet is almost as difficult as the form. As an accountant, it is a little tough sometimes to know what is even supposed to go into the blanks, but that is OK because the Government always provides extensive instructions on how you can interpret the blanks you are supposed to fill in. Hopefully on the new one-page form we have they will not have to refer to extensive explanations.

I think it is pretty clear what we have on the new ones. It is supplemented. Instead of taking pieces off of your income tax form to report on, you already have the form done, so the form can be submitted with it, and that has greater explanation than trying to do all of the math Worksheet B calls for. So we have simplified that greatly. But that is besides the fact that now it is very formidable, and that keeps a lot of people from ever applying for financial aid.

I had the opportunity to fill out one of these when my first child was getting ready to go to college and was picking a fairly expensive college, and I thought maybe we can qualify for help, and the financial officer said: Yes, I think you probably can; you just have to fill out this little form.

We filled it out. We were in the shoe business. We had a single shoe store. It was a family shoe store. My wife and I both worked there, and the kids worked there some of the time, and we had other people who worked for us,

too. We were going through all the crises that small businesses today have to deal with, like, how do you afford the insurance for your people? It is not fair to buy insurance for yourself unless you buy insurance for the people who work for you. We were going through a number of those crises. Anybody in small business knows there are those times when you wake up in the middle of the night with an ''O my word, how am I going to pay the bills today?''

Aside from that, I filled out the form and got the results back and they said: You really don't qualify. There are two essential reasons. One is, if you sold off a fourth of your inventory each year, you wouldn't need the help. If you sell off a fourth of your inventory and your child makes it through school in 4 years—which is not standard, but I do want to say all three of my kids did graduate in 4 years—but if you sell off one-fourth of your inventory each year, you can afford to send your child to college without any financial help.

I had to point out to them that if I sold off one-fourth of my inventory each 4 years, I would be out of business by the time my child graduated.

That is not quite fair, and hopefully we have made some corrections so that we won't be putting people out of business in order to get their kids through college, but we will be expecting them to make contributions to the expense of their education.

The other surprise was we had made our kids work. We made them save a substantial piece of what they earned when they worked so they could pay part of their way to college. This same financial officer said to me: You know, she would have been better off if she had bought a car because that wouldn't count against her.

What kind of incentive is that for the kids in this country? They really will appreciate their education more if they participate in their education. So I think if we can get that reauthorization part through, we will protect and incentivize kids to actually work toward their college education, so it will mean more to them as they go through, and that will probably cut down a little bit on how long it takes them to get through school because part of that money is theirs. I would like to see every kid be able to get an education and have some money left over when they get their education, not a whole bunch of loans. We will be able to help with that by passing this reconciliation conference report.

I do have some concerns, as everybody does when they pass a bill. I am the only accountant in the Senate, so when we look at some of this stuff and the way we score things, I do have some difficulties with it. We need to be aware of them because these are going to come back to bite us later.

One is the chart the Senator from New Hampshire used earlier, which shows how scoring works around here, and that is that you can provide benefits, and then if you can end the scoring at a particular point, you can drop off to a zero and show that you fully funded it.

It is not going to work that way in reality. I do not know who is going to be in the majority when we get to 2012. Nobody does. But whoever is in the majority at 2012 has to figure out how to fill the gap of the dip in the chart, as well as take care of the inflation that has happened in the meantime, and, hopefully, greater Pell grants as a whole, in reality, at that point in time.

Why am I concerned about this? Well, we have done some things with interest rates over a period of time that have had some of these same effects on students. We always try to figure out how we can get the lowest interest rate for kids who are going to college. And that is important. And a number of Senators, including the Presiding Officer, have pointed out the importance of that.

Well, we got involved in interest rates actually when President Carter was in office, and interest rates rose to 18 percent and were going higher, and did go higher. We had no idea how much higher. We had no idea whether they would ever come down again.

So Congress got involved with student loans and said: 6.8 percent is the highest that anybody is going to pay while they go to college, and we did kind of put some ends on that. In the meantime, of course, interest rates came back down. We went to variable rates, which allowed the Government to fluctuate more on interest rates. But each time, it becomes a problem for whoever is in the majority because you can pin the difficulty on them and say: 'You have got to solve it. And no matter what solution you come up with, we are not going to like it, and we are going to make it into a campaign issue.'

Well, I hope we do not do that all of the time. But it is important for people to realize that we are cutting the interest rates in this reconciliation bill we just did, and we are going to get them down to 3.4 percent. But that is over a period of time. So students who are in college and just heard the discussion should not expect to go get a loan—or as soon as the President signs the bill—at 3.4 percent. That gets phased in. It will get down to 3.4 percent. But then it ends, and we run into the same situation that I pointed out a minute ago; that one party or the other is going to be in the majority at that time, and they are going to have to solve that problem of how we keep the interest rate at 3.4 percent or lower, or match up to higher rates, because they all have a cost.

Now, how does that cost get handled? Well, it does not make a whole lot of difference to the banks because we subsidize them up to a level, and we change that from time to time too. The subsidy is what we have been talking about in this reconciliation bill. You can offer this lower rate to the students, and then we will provide a subsidy so that you make a reasonable rate of return. Now, we always have a little trouble deciding what that reasonable rate of return is, and that is what we are talking about.

Two years ago, we cut that subsidy, and we cut it pretty severely and made billions in savings off of cutting that corporate subsidy.

Now, at that time what we did is put half of the savings in the subsidy, which actually comes from the taxpayers,—You have got to understand that it is from the taxpayers that we are doing this—but we took half of that and we put it to deficit reduction, which is kind of a return to the taxpayers.

We took the other half and did a number of things for students. We decreased loan origination fees to 0 percent. We put $8 billion into specialized kinds of Pell grants, which were the SMART and American Competitiveness Grants for science, technology, engineering, math, and some critical foreign languages. That is a real need for this country.

If we do not address that need, we are going to have some difficult economic times in this country. So we said we have to get more young people involved in science, technology, engineering, and math. And we took care of the college portion of that, encouraging them with a smaller amount their freshman year, and then a little bit bigger in sophomore year, and a lot bigger in their junior and senior years if they would do science, technology, engineering, and math. That came to $8 billion.

We also increased loan limits for freshmen and sophomores. We increased asset protection, and we increased auto zero to $20,000. That is the income level up to which you automatically get a full Pell grant. So we did a number things with the money for students. At that point in time we were criticized for a lot of things we did not do for students that could have been done, just as there will be criticism with this bill for things that could or could not be done.

I do think we arrived at a good solution, one that will work, one that I am hopeful and pretty sure the President is going to sign, that will make a difference for young people. But I do want to emphasize that we do need to finish that reauthorization package. Without that, a lot of this does not work. It sounds good, but it does not work. So let's get the whole job done.

Since 2004, we have extended the Higher Education Act eight different times. We have said: 'What we have now is good enough, so we cannot reach any other kind of a decision. So let's just extend it again.' I do not want to have a ninth extension. I want to get the job done.

There are some great things. We have hundreds of pages. The bill is that thick, for reauthorization, that does good things for students. This is the part we are talking about we have not done yet. This has stuff in it that needs to be done, and we can do it.

The agreement in the Senate on this was 95 to 0. You don't get more bipartisan than 95 to 0. I am pretty sure if the other five people would have been here, it would been 100 to 0. That is agreement. That is because this desperately needs to be done. I am glad the House is going to take a look at it. In fact, the chairman told me that they would be using this bill as a blueprint.

I assured him if he used that as a blueprint and took the wording that goes with it, it can be done reasonably. Around here we usually do not do that sort of thing, though, because each of us has to get a fingerprint on everything, and that slows down the process sometimes. But I suspect it will be fairly close to what we have done here. It needs to be done as soon as possible.

Now, I began my thank-yous earlier. I want to finish my thank-yous and my speech. Besides Katherine McGuire and Beth Buehlmann on my staff, I wanted to thank Ann Clough, Adam Briddell, Amy Shank, Ilyse Schuman, Greg Dean, and Kelly Hastings.

I would be very remiss if I did not thank the members of Senator KENNEDY's staff for their hard work and cooperation: Michael Myers, Carmel Martin, JD LaRock, Missy Rohrbach, and Erin Renner.

Finally, I would like to thank all of the members of the HELP Committee and their staffs for their hard work throughout this process. This has been one of the most contentious committees in years past. When we are working on education and health, this is one of the most cooperative committees in the Senate.

We do intend to make progress in all four of the areas that we work in. We got the pensions area pretty well wrapped up last year. There has been a little technical correction portion that we have to get done yet.

There are always different things in the pension area. But we made some significant changes in the labor area last year, too, that have come to light in recent weeks with the first change, the biggest change in mine safety in 28 years. We will be reviewing the tragedy that happened in Utah to see how that fits in with what we did or did not get accomplished and will look at future changes.

But it took us 28 years to make the first major change. It will not hurt if it gets to 24 or 28 months before we get the reports in that help us to analyze any other changes that we need to make.

Once again, I thank my colleague from Massachusetts, Senator KENNEDY, for his tremendous effort, his tremendous knowledge, his capabilities to explain and come through with the ideas, sometimes compromises, but quite often a third way of doing things. It makes a huge difference in the result.

I yield the floor.

TRIBUTE TO PAUL CAHILL AND WARREN PAYNE

Mr. KENNEDY. Mr. President, I pause for a moment today, with thousands from across the country who have gathered in Boston, to remember the lives of two of our Massachusetts firefighters, Paul Cahill and Warren Payne, who were laid to rest yesterday and today in West Roxbury and Dorchester. A week ago, Warren and Paul, lost their lives in heroically combating a 4-alarm fire in West Roxbury. We proudly honor the memory of these two heroes who gave their lives so courageously and unselfishly in the line of duty. We are deeply grateful for their service, and we mourn their loss.

Paul Cahill was 55 and a father of three children. He had previously served in the U.S. Navy and he joined the Boston Fire Department in 1993.

Warren Payne was 53, and a father of two children. He had been a firefighter for 19 years, and was not scheduled to be on call that night, but he had agreed to help a friend.

Both Paul and Warren were men of immense bravery and dedication, and were committed to the lives and the well-being of their community. Each day they served our city, they were ready to place themselves on the front lines, and the people of Boston will never forget their outstanding service and the difference they made.

My heart is in Boston today with the firefighters from across the country, and especially those from Engine 30, Ladder 25 in West Roxbury. They did the job they loved to do. May God bless Paul and Warren, and all of their family and friends who have gathered in Boston to grieve for them.

TRIBUTE TO JOHN WARNER

Mr. KENNEDY. Mr. President, it is with a touch of sadness that I speak about my friend, the senior Senator from Virginia, JOHN WARNER, who announced last week that he will not seek a sixth term and will return to the Commonwealth he loves so well following the conclusion of the 110th Congress. We will miss our friend, our colleague, and one of our finest and most respected members.

JOHN WARNER is a true American patriot, who has spent his life serving the public good. From volunteering to serve in World War II at the age of 17, to his service as Secretary of the Navy and his years among us in the Senate, his life has been defined by a commitment of service to others.

First and foremost a Virginia gentleman, JOHN WARNER is also one of the greatest advocates our fighting men and women have ever had in the U.S. Senate, consistently supporting their interests regardless of the prevailing winds.

He was an extraordinary chairman of the Armed Services Committee, where he helped transform the Committee from a Cold War posture to a new focus on emerging threats, rapid technological changes, and asymmetric warfare. The changes he made helped usher the committee into the 21st Century. As his colleague on the committee for a quarter century, I can attest to the unrivalled depth of his understanding of our Nation's military, and was grateful to have the opportunity to call upon him innumerable times over the years for his wise counsel.

In addition to his commitment and dedication to our military and to a strong national defense, JOHN WARNER is also the embodiment of the finest traditions of the Senate. Deliberate, thoughtful, and principled, over the past 28 years he has shown us all that we can disagree without being disagreeable, and that the demands of party must yield to the demands of the American people that we do our very best to support our armed forces in their all-important missions for our country and our future.

Time after time, he has demonstrated his courage, decency and high principles in the Senate, whatever the partisan passions of the moment. That is who JOHN WARNER is—someone who thinks long and hard about important decisions, and then does what he feels is right.

I am sure he and Jeanne thought long and hard about the decision to retire from the Senate, and I know it wasn't an easy call. He will leave enormous shoes to fill for the next person elected to serve the people of Virginia in this body.

I will miss serving side by side with JOHN WARNER in the next Congress, but I am grateful we will have him here in the Senate for the coming year, especially, as we work to find answers to the extraordinarily complex and dangerous situation we confront in the Middle East. I am sure that all of us admire him for his statesmanship and leadership.

And we are especially grateful for his friendship, which extended to my brothers Jack and Bobby as well.

We will miss him very much.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Oregon is recognized for 10 minutes.

ADMIRATION FOR SENATOR KENNEDY

Mr. WYDEN. Mr. President, before he leaves the floor, we have seen with Chairman KENNEDY over the last 2 minutes why he is so admired by Senators on both sides of the aisle. We have seen how he has engineered critically important bipartisan legislation that helps our working families in the education area. We have heard him speak eloquently about fallen firefighters. We admire them so tremendously in Boston and across the country. Of course,

once again, when we think of Senator WARNER—I will have more to say about him in the days ahead—Senator KENNEDY has spoken for all of us this morning as he talked about how much we value Senator WARNER's counseled insight. I want him to know how much I appreciate his leadership and how much I value his counsel in the Senate.

Mr. KENNEDY. I thank the Senator.

Mr. WYDEN. Mr. President, I know we are in morning business. I ask unanimous consent to speak on the health care issue for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. WYDEN. Mr. President, Senator BENNETT of Utah and I have brought to the Senate the first bipartisan universal health care coverage legislation in more than 13 years. I thought today I would open my remarks on health care in something of a light fashion. There is a brand new study that has recently found Americans are no longer the tallest people in the world. Over the past 50 or so years, the U.S. population has lost that status and now ranks among the shortest among industrialized countries. The Netherlands now holds the honor for the tallest nation. The authors of this new study speculate this change may stem from the fact that most other affluent countries have health care systems that cover their entire population and that particularly healthy lifestyles and healthy diets are also significant factors.

Senator BENNETT is 6 foot 6. I am 6 foot 4. We would like our country to get its rightful position back as the leader among nations in the height department. We think part of what is going to be necessary to do that, in all seriousness, to make our health policies more health focused rather than just spending on health care, is to adopt some fresh policies. We have been particularly interested this week because the Wall Street Journal, which colleagues know displays a preference for private health care sector solutions, has written a fascinating front page article this week on the special accomplishments in Holland with respect to health care. I have long been of the view that as we look finally to accomplishing what this country has not been able to do for 70 years, which is to get all Americans good quality, affordable health care, we are going to have to devise our own system. It is not going to be possible to import some other country's system of health care to our Nation and pretty much plop it down on the United States and say: This is the way to go.

But as the Wall Street Journal said in their article this week, there are some important lessons to learn as it relates to the experience of other countries.

I ask unanimous consent to print in the RECORD this front page article from the Wall Street Journal with respect to health care.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN HOLLAND, SOME SEE MODEL FOR U.S. HEALTH-CARE SYSTEM

(By Gautam Naik)

THE HAGUE.—The Netherlands is using competition and a small dose of regulation to pursue what many in the U.S. hunger to achieve: health insurance for everyone, coupled with a tighter lid on costs.

Since a new system took effect here last year, cost growth is projected to fall this year to about 3% after inflation from 4.5% in 2006. Waiting lists are shrinking, and private health insurers are coming up with innovative ways to care for the sick.

The Dutch system features two key rules: All adults must buy insurance, and all insurers must offer a policy to anyone who applies, no matter how old or how sick. Those who can't afford to pay the premiums get help from the state, financed by taxes on the well-off.

The system hinges on competition among insurers. They are expected to cut premiums, persuade consumers to live healthier lives, and push hospitals to provide better and lower-cost care.

Some are already taking unusual steps. The insurance company Menzis has opened three of its own primary-care centers to serve the patients it insures, and plans to open dozens more in a move to lower costs. Rival UVIT offers discount vouchers to customers who buy low-cholesterol versions of yogurt, butter and milk.

To prevent insurers from seeking only young, healthy customers, the government compensates insurers for taking on higher-risk patients. Insurers get a ''risk-equalization'' payment for covering the elderly and those with certain conditions such as diabetes. to pay her back about $676 for gym membership—provided Ms. Boel lost 7.5% of her weight in 15 months.

The 45-year-old, who lives in the town of Tilburg, says she stopped eating french fries and pizza and took up an intensive regimen of walking, cycling and rowing. She met her weightloss target and used the gym-membership rebate to buy some new clothes.

Ms. Boel now hopes to manage her diabetes more efficiently and lose more weight. ''I don't like exercising,'' she says, ''but at least I can now walk without a stick.'' That's welcome news to UVIT. Says spokesman Bert Rensen, ''Once she stops using insulin, which we pay for, it will save us £900 [about $1,200] a year.''

LIKELY OPPOSITION

What works in the Netherlands, a small country of 16.6 million people, may not readily apply to America. A Dutch-style scheme would likely raise opposition among U.S. doctors and Republicans who are cautious about higher taxes. But many U.S. states are similar in size, and one, Massachusetts, is already experimenting with a universal-coverage scheme.

''The lesson for America is that this is what we ought to do,'' says Alain Enthoven, a professor at Stanford University.

Three decades ago, Prof. Enthoven published a pioneering proposal for what he called ''managed competition,'' a version of which the Dutch have now adopted.

The Enthoven plan partly inspired the Clinton administration's failed health-care overhaul effort in the 1990s. It has now come full circle. Last October, an economist from the Dutch health ministry was invited to describe his country's new approach to about 50 Massachusetts politicians and policy makers in Boston, as the state was developing its own plan for mandatory health insurance.

After being sidelined for more than a decade, health care is once again a hot issue on the U.S. political agenda. Two leading Democratic presidential candidates, Sen. Barack Obama of Illinois and former Sen. John Edwards of North Carolina, have backed the idea of universal coverage and suggested ways to achieve it. California Gov. Arnold Schwarzenegger, a Republican, has pushed a proposal to require all state residents to obtain health insurance, but he hasn't been able to strike a deal with state legislators to enact a plan.

The notion of competition among insurers is nothing new to Americans. Most Americans under 65 get insurance via their employer, which can compare plans and pick the one that it thinks offers the best coverage for the money. To cut costs, U.S. insurers bargain with doctors for discounted rates and try to weed out overbilling and frivolous treatments.

The system has failed to stop U.S. health costs from shooting up, and it has left many doctors complaining that their medical judgment is being second-guessed by bean counters. It isn't clear that a Dutch-style system, also centered on insurer competition, could do any better. Dutch doctors were among the most vociferous opponents of an overhaul and many remain skeptical.

Still, there are some differences in the Dutch way that may work to its advantage. One is the emphasis on individuals buying coverage. In the U.S., employers tend to be poor buyers of health care. They're unfamiliar with the needs of the people actually using the health care—their employees—and it is difficult for a large company to switch insurers.

By putting the onus on consumers, Dutch officials hope that more people will get the coverage they need. The ''risk equalization'' that helps Dutch insurers cover sicker people is also critical. In the U.S., competition among insurers often means competition to find the healthiest customers, especially in the individual market.

The Netherlands began to overhaul its health system in 1987 after a government committee concluded that the best approach was ''managed competition,'' the idea first proposed by Prof. Enthoven of Stanford.

The task was enormous. The country had four different coverage schemes. The wealthiest third of the population was required to get health insurance without government assistance. Some in this group received help from employers in paying premiums, while others paid the whole bill themselves. The bulk of the Dutch population was covered under a compulsory state-run health-insurance scheme financed by deductions from wages. Civil servants and older people were insured under two separate plans within this state-run scheme.

The government closely regulated hospital budgets and doctors' fees, but provided few incentives to cut costs. When hospitals lost money on a particular kind of care, they rationed it. Many patients ended up on waiting lists.

People in line for heart transplants were particularly affected. In the mid-1990s, fewer than three Dutch people per million received such transplants. By comparison, a study of 12 European countries showed that only Greece had a lower rate of such operations. In the U.S., there were about nine heart transplants per million people.

In 1999, waiting lists increased by 2%, despite a $54 million initiative to reduce them. ''Dead on the waiting list,'' read one cover story of Vrij Nederland, a weekly magazine that, like other Dutch media, relentlessly criticized the country's health system.

''We felt frustrated,'' recalls Hans Hoogervorst, who was the health minister from 2003 to early 2007 and a major force in pushing through the overhaul.

Though the Dutch still enjoyed better health than the residents of many developed countries, standards were slipping. Between 1960 and 2000, the increase in Dutch life expectancy was 4.5 years, while its neighbors, Germany and Belgium, showed far better increases of 8.1 and 7.1 years, respectively, according to the Organization for Economic Cooperation and Development. In the U.S., the increase was nearly seven years.

As in the U.S., medical costs began to increase, driven by an aging population and the increased use of expensive new technology. Between 2000 and 2004, Dutch health spending as a share of gross domestic product shot up to 10% from 8%.

In late 2004, the Dutch House of Representatives passed a law to usher in mandatory health insurance and switch people on state-run insurance to private carriers. But family doctors fretted that it would allow insurers to interfere in medical decisions, for example by pushing cheaper drugs.

The following May, thousands of Dutch general practitioners went on a three-day strike. Some tied their hands together with rope to symbolize their helplessness. In response, Mr. Hoogervorst promised to provide some protections for doctors in the new legislation. One of them was that patients wouldn't bear a big financial cost if they chose to go to a doctor not under contract with their insurer. Soon after, the senate approved the new plan.

It took effect on Jan. 1, 2006. Despite predictions of chaos, the changeover was surprisingly smooth. The government set up a Web site where consumers could analyze insurers' offerings. Consumers were allowed to switch insurers once a year. As 2006 approached, the health ministry predicted that only 5% would bother. Instead, nearly 20% of people switched, either to get a better price or because they were dissatisfied with their insurer.

PREMIUM WAR

Consumers also benefited from a premium war as insurers made a grab for market share. The Dutch health ministry had predicted that insurers in 2006 would price the annual mandatory premium at an average of £1,106, or about $1,500. Instead, market forces set it at £1,028, 7.6% lower. This year, it has risen to £1,103, partly because of an easing in the price war. That's still less than the £1,134 the government predicted for 2007.

Included in the overhaul was a deal the government negotiated with generic-drug makers to cut prices by about 40%. The generic-drug makers made up for some of their lost revenue by reducing the rebates and bonuses they provided to pharmacists to recommend their drugs to customers. From 2004 through 2006, annual drug spending grew at an average annual rate of 2.8%, down from 9% annual growth earlier in the decade.

Insurers have taken a hit, though. UVIT, which has more than four million customers, was forced to open a 200-person call center to help consumers switch between plans. In 2005, UVIT had total revenue of about $7.6 billion and made a profit of about $202 million from health insurance, which is its main business. Last year, the company's health business posted a loss of $30 million. UVIT expects to return to profitability this year, partly by negotiating lower prices with hospitals.

In most European countries, consumers have no idea what their health insurance costs because they are covered by national health-insurance schemes financed by payroll taxes, as used to be the case in the Netherlands. On a visit to Germany last year, Mr. Hoogervorst boasted that thanks to his country's switch to private insurance paid by individuals, ''no other European country has a population so keenly aware of the costs of their health-care insurance.''

Now that they see the bills more clearly, some consumers feel their payments have gone up. In one survey mainly of labor-union members, about 70% said they were financially worse off in some ways.

Insurers get risk-equalization payments for patients with about 30 major diseases. They can use these to offer discounted premiums and programs tailored to those with heart disease, diabetes and other ailments.

One shortcoming is that many diseases aren't subject to risk equalization. The excluded diseases—such as migraine headaches—are harder to diagnose and their treatment costs are harder to predict. ''Seen from the side of migraine patients, this is highly unfair,'' says Peter Vriezen, president of the Dutch Headache Patients Association.

The real test of the Dutch approach is yet to come: Can insurers push hospitals to lower their costs and improve their quality? Insurers have clout because they can direct large numbers of patients toward particular hospitals. But, in a holdover from the old system, insurers can currently negotiate prices * * *. The figure will rise to 20% by the end of this year, and continue to go up.

Because Dutch hospitals used to receive fixed prices for their services, and got more money for more service regardless of quality, they had little incentive to improve their care. Under the new system, insurers should be providing that incentive, but Mr. Hoogervorst acknowledges, ''Thee's still a long way to go to increase competition among hospitals.''

MARKET INCENTIVES

One concern is the potential for overconcentration among insurers. UVIT, for example, is the result of a merger between four insurers. ''If eventually you have only three or five insurers, you might wonder how many market incentives will remain,'' says Niek Klazinga, professor of social medicine at the University of Amsterdam.

Last fall, Prof. Enthoven delivered a speech to health economists in Rotterdam. He congratulated the Dutch for being ''in the lead'' in health-care change. However, he cautioned, ''you still have considerable work ahead of you to transform your present success with insurance'' into a system that delivers improving care.

Some insurers are taking unusual steps to get there. Menzis rewards doctors with bonuses if they prescribe generics instead of more expensive branded drugs. UVIT ranks hospitals based on the quality of care.

To put pressure on Dutch hospitals, some insurers let patients go to other countries where high-level care for certain ailments costs less. Thea Gerits, 71, went to Germany for a hip replacement and spent four weeks in a rehabilitation center there, receiving physical therapy and enjoying yoga, massages and mud baths.

UVIT paid the $19,000 bill. It says the same amount in the Netherlands would buy only the surgery and basic therapy. Ms. Gerits came home happy, and soon was riding her bicycle again. ''I got lots of attention,'' she says. * * *.

Mr. WYDEN. I am going to read one paragraph at the outset of the article:

Since a new system took effect here last year, cost growth is projected to fall this year to about 3 [percent] after inflation from 4.5 [percent] in 2006. Waiting lists are shrinking, and private health insurers are coming up with innovative ways to care for the sick.

What struck Senator BENNETT and I is, there is an awful lot of comparison between our bipartisan legislation and the experience of the Dutch. For example, both in Holland and in the United States under our proposal, there would be a requirement that individuals would have to purchase their own health insurance. Insurers under our proposal, as in Holland, would not be able to discriminate against individuals who have had illnesses. We saw in the movie ''Sicko'' that wonderful scene with the ''Star Wars'' music describing all the various conditions that individuals might have that would exclude them from insurance coverage. That would be illegal under what Senator BENNETT and I are advocating. It is illegal, according to the Wall Street Journal, in the Netherlands.

Finally, in the Netherlands and under our legislation, there is a sharp and specific focus on prevention and wellness. The tragedy in our country is, we don't have health care at all. What we largely have is sick care. Medicare shows this probably more clearly than anything else. Medicare Part A will pay huge expenses for senior citizens' hospital bills. The check goes from the Government to the hospital. But Medicare Part B, on the other hand, will pay for virtually nothing for prevention and keeping people well. Senator BENNETT and I seek to change that. For the first time under our legislation, Medicare would be authorized to discount the premiums for seniors who lower their blood pressure, lower their cholesterol, practice good health in their individual lives. I am struck by this Wall Street Journal article, where insurers in Holland are adopting much the same kind of approach. The article states on the front page that insurers now are offering discounts to customers who buy low cholesterol versions of yogurt, butter, and milk.

The point is, worldwide the message is getting out. Prevention works. Wellness, a new focus on personal responsibility, and keeping our citizens healthy makes sense. They are doing it in Holland. The Wall Street Journal describes the positive benefits there. I and Senator BENNETT, along with our cosponsors, Senators BILL NELSON, LAMAR ALEXANDER, and JUDD GREGG, are trying to build a bipartisan coalition in the Senate to do exactly the same.

Our legislation, the Healthy Americans Act, would require that everyone not on Medicare or in the military would have to purchase private health insurance. But to make sure that is doable, we fix the broken marketplace. Under our legislation, private insurance companies wouldn't be able to cherry-pick. They wouldn't be able to take just healthy people and send sick people over to Government programs more fragile than they are. They couldn't discriminate against those with illnesses. They would have to spread risks through large groups of people. Right now essentially much of the private insurance business is about

filtering out those people who have illnesses and finding a way to cover just those who are healthy. Our legislation would change that.

We also take critical steps to make sure that if you are going to require that people purchase coverage, you have generous subsidies for folks with modest incomes. What Senator BENNETT and I propose—and apparently they are doing something along these lines in Holland—is to subsidize those up to 100 percent of poverty completely and for those between 100 percent of poverty and 400 percent of poverty, there would be a partial subsidy. The most generous subsidies of any program anywhere in our country would be offered under this legislation that we are offering, with Senators ALEXANDER, GREGG, and NELSON of Florida.

How do we pay for it? The Lewin Group, which is kind of the gold standard for looking at health policies, scored the administration's approaches, many of the States and ours and said we can find a lot of the savings under our legislation through an administrative process that establishes that once you sign up in Ohio, once you sign up in Oregon or anywhere else in the country, you are in for life. You don't have to sign up again and again and again. In my State, my guess is it is very similar to the situation in Ohio, if you are on Medicaid, there is something like 31 or 32 categories of coverage. A poor person has to try to squeeze themselves into one of those boxes in order to get coverage. It is degrading to the poor and a big waste of money.

What Senator BENNETT and I have offered is a one-stop process so you sign up once, and everything else from that point on is essentially accomplished through the magical world of electronic transfers. An individual's contribution would be taken out of their paycheck while they are working. Ours is fully funded.

There is an opportunity for bipartisan cooperation, particularly should the Bush administration want to assist in this effort. For example, every single economist who has come before the Finance Committee, before the Budget Committee, has talked about the Tax Code as it relates to health care disproportionately favoring the most affluent and rewarding inefficiency at the same time. To put it another way, if you are a high-flying CEO in the United States, if you want to go out and get a designer smile put on your face, you can write off the cost of that service on your taxes. But if you are a hard-working woman without any health plan and a local furniture store, you get nothing. So I and Senator BENNETT redirect the current tax expenditures. They are the biggest part of private health care spending.

The Lewin Group establishes in their analysis of our report that would ensure we could expand coverage over the next few years without any additional cost to taxpayers. The Lewin Group has said the proposal now being sponsored by five Members of the Senate would slow the rate of growth in health care spending by $1.5 trillion.

I know the distinguished Presiding Officer has a great interest in health. We are so pleased he is here because we have worked together on these issues often. It is clear this is the premier domestic issue of our time. A combination of today's demographics with a rapidly aging population, escalating costs, the huge increase in chronic illness, our current health care system is not sustainable. It is not one we can put on automatic pilot and say: Let us run it this way for years and years in the future.

The tragedy is with all the wonderful doctors and hospitals and nurses in Ohio and Oregon, all across the country, we are spending enough money on health care to do this job. We are simply not spending it in the right places.

To give an idea of how out of whack American health care spending is, for the amount of money we are spending today, $2.3 trillion, 300 million of us in the country, you divide 300 million into $2.3 trillion, and you could go out and hire a doctor for every seven families in the United States and say: Doctor, your job will be for this year to take care of seven families, and we will pay you $200,000 a year.

My experience, I say to the Acting President pro tempore, is that when I bring this up to physicians at home in Oregon, they say: Ron, where do I go to get my seven families? It sounds pretty good to be able to get back into the business of practicing medicine again and advocating for my patients rather than going through all this paperwork and bureaucracy and redtape.

So we are spending enough on health care today. We are not spending it in the right places. That is what they have begun to change in Holland, according to the Wall Street Journal this week. That is what I and Senator BENNETT and our colleagues on both sides of the aisle are seeking to do in the Senate.

One last comment, Mr. President. I know there is a hectic schedule for all Senators, and certainly the Senator from Ohio.

The question is whether there should be action now or the Congress should simply wait for another Presidential election. Here are the consequences of waiting for several more years. The Census Bureau reported last week that 2.2 million additional Americans were without health insurance between 2005 and 2006. If this Congress waits a couple of years more, we can expect that number to increase and the number without coverage in this country to hemorrhage further.

That is a moral abomination, No. 1; and it is going to be costly to taxpayers, No. 2, because those people very often will have to go to hospital emergency rooms to get their coverage. Of course, those bills will be passed on to businesses in Ohio and Oregon and across the country and to our taxpayers. So the costs of delay are very direct and immediate.

Second, with respect to employer-based coverage, the new numbers indicate the number of employers offering coverage has now fallen below 60 percent. It is pretty easy to see why, with these double-digit premium hikes, Price Waterhouse says health costs are going to average, this year, a little over 11 percent. A lot of our employers want to do the right thing by their workers and simply cannot offer coverage.

If this Congress decides to stand down on the question of overhauling health care and say, ''Let's just wait until 2009,'' you are going to see more businesses in Ohio, in Oregon, and across this country lose coverage. I do not think we ought to sit by and just let our coverage continue to melt away along the lines of these statistics that I mentioned.

Finally, on the question of prevention and what Holland is doing, and what we are seeking to do in the Healthy Americans Act, there is a very significant cost with respect to chronic illness as it relates to doing nothing to change our policies. The new numbers with respect to chronic illness indicate that in 31 States over the last year obesity has risen once again; of course, there is a direct link here between heart and stroke and diabetes and so many illnesses. Not one State—not one—experienced a decline.

So if the Congress says: Well, we will pass on overhauling American health care until 2009, we can expect to have missed another opportunity—yet another opportunity—for doing something about enacting health care policies that put a new focus on prevention and wellness.

So this question of waiting for 2 more years and saying: Let's just spend our time looking at what the various candidates for President from both political parties are saying about health care—certainly it is getting a lot of attention in terms of debates on TV and all of us trying to look at the various merits of the candidates' proposals; and they are good people; and they have good suggestions—but I want to make it clear to the Senate there are very real costs of waiting to fix health care.

I think the question of fixing health care is so urgent we ought to get on with it, and we ought to get on with it in a bipartisan way, which is what I and Senator BENNETT are trying to do. We are very proud to have been able to get the support of business and labor leaders.

When we offered the initial proposal, Andy Stern, the president of the Service Employees International Union, stood on one side of me, and Steve Burd, the CEO of the Safeway company, a very large Fortune 500 company, stood on the other side. We had individuals such as Ron Pollack, of

Families USA, and advocates for compassionate end-of-life health care with us as well.

The last time Congress looked at this—and the Acting President pro tempore, I think, remembers this—during a period in the early 1990s, the people who stood with me for the kickoff of the Healthy Americans Act were spending millions to pretty much beat each other's brains out. That was the last time the Congress and the President, during the Clinton years, debated health care.

So this is a different climate, certainly a different climate for businesses in Ohio and Oregon. What I hear from businesses at home—unlike in 1993, the Clinton years, when they said: We cannot afford fixing health care—they are now saying: We cannot afford the status quo. That is why they are joining Senator BENNETT and I and others on these proposals.

My hope is as Congress looks at the evidence, whether it is the Wall Street Journal reporting on promising developments—very often people think of Europe and socialized countries—the Wall Street Journal is putting on the front page of the paper—a publication that clearly favors private health care coverage—an example of a country in Europe where they seem to be making great progress.

So as we devise our own system, one that is uniquely American, I and Senator BENNETT want to work with every Member of the Senate—I think I can speak for Senators BILL NELSON, LAMAR ALEXANDER, JUDD GREGG, and the others we have been talking to—that we think this is the premier domestic issue of our time. Certainly, the conflict in Iraq is the premier national security issue. But the premier domestic issue at home is fixing American health care.

I think based on the evidence that comes in every day, we know what needs to be done. Now the question is making sure there is the political will to go forward. I look forward to working with the Acting President pro tempore, who has a great interest in these matters, and all our colleagues.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

TUBERCULOSIS

Mr. BROWN. Mr. President, every day an estimated 4,400 lives are lost around the world to tuberculosis—day in, day out, yesterday, today, and tomorrow. Fifteen lives will be lost, roughly, in the few minutes of my remarks.

Tuberculosis is an urgent global crisis that demands our attention and our response. Two billion people—two billion people—one-third of the world's population, carry around with them the tuberculosis bacterium. As many as 10 million to 15 million in the United States alone are infected with the TB bacterium. Most will not get sick, but many of them are in some jeopardy.

Nine million people, practically the population of my State of Ohio, become sick with active tuberculosis every year, and 1.6 million people will die.

We struggle with many diseases that are beyond our scientific understanding, but tuberculosis is not one of them. These deaths are preventable. TB is the greatest curable infectious killer worldwide.

Much of the good work of the legislation this Senate passed last night will be undermined if we do not do a better job of controlling tuberculosis. Our investments in development will do little to improve economic conditions if entire populations—as are so many in Africa, especially, and India, especially—are reeling from this disease.

Combating TB is fundamental to sustaining economic development in poor countries. My colleagues know this.

Congress—following the leadership of the Foreign Operations Subcommittee Chairman, PAT LEAHY, and ranking member, JUDD GREGG—has made great strides in investing greater resources in global health. Diseases such as HIV and malaria have received tremendous increases over the past several years, and I hope this trend will continue.

Last night, the Senate did something about this. The amendment I offered last night, with Senators BROWNBACK, DURBIN, BOXER, and SMITH, added $90 million in funding for our international efforts against tuberculosis, bringing total spending to $200 million. Undoubtedly, that will save lives.

Combating TB must go hand in hand with the fight against HIV. Up to 50 percent of people who are HIV positive develop tuberculosis. As many as half the deaths from HIV in Africa actually are deaths from tuberculosis. It is the leading cause of death among people who are HIV positive all over the world.

HIV infection weakens a person's immune system, making it 50 times more likely that person will develop active tuberculosis. So if someone is carrying the TB bacterium in their body—as is a third of the world's people—if they get infected with HIV or have some other disease or weakness—from malnutrition or something else—they are much more likely to develop active tuberculosis.

To compound that, unchecked, drug-resistant tuberculosis, including deadly XDR-TB, threatens to reverse progress made against AIDS and TB worldwide. In today's world, extensively drug-resistant TB—so-called XDR-TB—poses a grave public health threat never more than a plane ride away.

This past June, we got a wakeup call when an American boarded a plane to Europe while infected with drug-resistant tuberculosis. Luckily, his was not the most virulent strain. But his example shows us clearly that this disease does affect America and that more resources for TB are needed to prevent, identify, treat, and control extensively drug-resistant tuberculosis.

We need to heed that wakeup call and act before it is too late. It is within our power. There is no mystery here. We know what to do. We know how to treat and cure regular so-called garden-variety tuberculosis. We know how to treat and cure multidrug-resistant tuberculosis in an overwhelming majority of cases. And we know how to treat, generally, extensively drug-resistant—XDR-TB—tuberculosis and cure people of that. It is within our means. Treating regular, garden-variety TB costs only $20 per person. It is a small price to pay to save our lives.

I thank my colleagues, including the junior Senator from Pennsylvania for his support of this issue. Last night was a victory for people in the developing world who are so often victims of tuberculosis, who so often suffer from that. It is also a victory for people in our country, a few of whom have TB, but most—but the many more people who are a plane ride away or are potentially exposed to this tuberculosis bacteria.

I thank my colleagues.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I strongly oppose coercive abortion or involuntary sterilization, and was pleased that the fiscal year 2008 Foreign Operations Appropriations bill included a provision prohibiting U.S. funds from going to any organization or program that directly supports such horrific practices. Unfortunately, the amendment offered by Senator BROWNBACK undermined this provision by allowing the President to deny funds to any organization or program that he claims supports such practices. This administration has misused similar language to deny resources to the United Nations Population Fund simply because this agency has programs in China, where the government practices coercive abortions to enforce its one child policy. In fact, however, the UNFPA's program in China is specifically designed to pressure the Chinese to end the use of coercive tactics, and this amendment would undermine the good work that the UNFPA does.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, as we consider legislation to provide funding for our important international development and assistance programs, I would like to take the opportunity to highlight the issue of quality basic education and the ways in which increasing access to basic education can improve social, economic, and health

outcomes in countries around the world.

We cannot underestimate the importance of efforts by our Government and its partners around the globe to provide access to education for girls and boys around the world. Basic education is the cornerstone for success in sustainable development. It has a profound impact on the future of individual children, their families, communities, and nations.

A population that can read, write, and think critically is far more likely to achieve democracy, economic growth, and improved health. A 2004 report by Barbara Herz and Gene Sperling from the Center on Universal Education at the Council on Foreign Relations detailed the benefits that result from investments in education, particular for girls and women. A single year of primary education correlates with a 10 to 20 percent increase in women's wages later in life, and a study of South Asia and Sub-Saharan Africa found that from 1960 to 1992, equality in education between men and women could have led to nearly 1 percent higher annual per capita GDP growth.

Nor is there any doubt that education saves lives. Educated children are less likely to contract HIV/AIDS and other deadly diseases. Oxfam estimates that if all children completed primary education, 700,000 new cases of HIV/AIDS in young people could be prevented each year, totaling 7 million cases in a decade.

I would like to commend the Senate for its efforts to significantly increase U.S. investments in basic education in the developing world. Over the last 15 to 20 years, there has been dramatic progress, particularly for girls, in school enrollment around the world.

In 2000, our Nation made a commitment to the goal of achieving universal basic education by 2015. Through some of the initiatives and partnership in which our Government is participating with its international partners, such as the Education for All Fast Track Initiative, we have made progress. Since the Fast Track Initiative was launched in 2002, approximately 4 million children each year—both boys and girls—have gained access to school.

But much more needs to be done. We are not on track to meet our 2015 goal. In order to do so, we would need to help millions more children enter school each year requiring a global financial commitment of more than $7 billion every year. Of the 77 million children who are not in school, three-fifths are girls. Forty-three percent of all out-of-school children are in countries affected by conflict and are often the hardest to reach. Approximately half of the school-age children who start primary school do not complete it. And there are hundreds of millions more children who are denied the opportunity to complete a secondary school education to become the next generation of doctors, nurses, lawyers, scientists, and teachers. These statistics represent an unconscionable misuse of human potential—a misuse that we can and must remedy.

I have introduced legislation—the Education for All Act—that would enable the U.S. Government to make a significant commitment to reach the 2015 goal and help children in developing countries, particularly areas experiencing conflict or humanitarian emergencies, have access to a quality basic education. But I would also encourage my colleagues to support increased appropriations for basic education programs, and as this legislation moves forward, I will work with my colleagues to ensure that the United States is in the strongest position to meet its 2015 goal and make education for all a reality. This is not only the right thing to do for the world's children; it is right thing and the smart thing to do for this country.●

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION ACT

Mr. FEINGOLD. Mr. President, I am pleased to support the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies Appropriation Act. The bill includes funding for critical renovations and repairs to military facilities and military family housing. The brave men and women of our Armed Forces are serving honorably under intense strains in Iraq, Afghanistan and elsewhere. We must take care of them and their families while they serve and when they return. This bill reverses a disturbing trend in recent years by finally providing sufficient funds to care for our Nation's veterans. I hope that we will have the chance soon to vote for a conference report reflecting the priorities in this bill so that there will be no delay—as there has been in recent years—in getting the Department of Veterans Affairs urgently needed funds. And I will continue working to make sure that this bill is only the beginning of a lasting commitment to providing veterans the best health care and benefits available.

I was particularly pleased that the Senate adopted my amendment requiring that the Government Accountability Office, GAO, study how the VA can best care for the mental health needs of female veterans. I decided to introduce this amendment after hearing concerns directly from Wisconsin veterans about insufficient mental health services for women. The number of women in the Armed Forces has grown rapidly, as has their exposure to combat. While the VA has taken important steps to establish services for women, there is little data on how VA mental health care funds are being used to address the needs of women. Indeed, mental health experts recently testified before the Congress that the VA does not have the capacity to address the needs of women veterans. This study will help ensure that the Veterans Administration dedicates the funds needed to care for women veterans.

I was pleased to support Senator BROWN's amendment to ensure that the Veterans Administration abides by existing law which prohibits unnecessary studies on the privatization of VA functions and requires public-private competitions before outsourcing government jobs. This bill also includes additional funds for the Beneficiary Travel Program, an important VA program that benefits numerous Wisconsin veterans who live far from VA medical facilities.

The bill includes $15 million for funding for gulf war illnesses research. I strongly support research into treatments for these debilitating illnesses. Nearly 200,000 gulf war veterans—one in four of those who served—suffer from chronic multisymptom illness as a result of serving in the gulf, according to the Department of Veterans Affairs most recent study. These illnesses combine debilitating headaches, widespread muscle and joint pain, severe fatigue, cognitive problems, and other abnormalities. Current and future American military forces, as well as civilians, are also at risk of similar exposure.

Yet according to members of the Research Advisory Committee on Gulf War Veterans Illnesses, of all the money spent on research in this area—over $300 million over the past 12 years—only two studies have been done on treatments. It is time to accept that these are serious neurological illnesses and shift research to the identification of treatments. A promising pilot program to identify treatments and diagnostic tests was initiated last year by the Department of Defense Congressionally Directed Medical Research Program. I call on the Department to dedicate the funds appropriated in this act to the identification of treatments for these illnesses.

I understand that concerns have been expressed about the Veterans Administration leasing property at the West Los Angeles VA Medical Facility to private enterprises that are inappropriate for the hallowed grounds of a soldier's home. I supported Senator DEMINT's unsuccessful amendment to delete language from the bill prohibiting the VA from leasing excess property at the West Los Angeles medical facility under any circumstances because I do not believe that this language is in the best interests of veterans.

The GAO has reported that, historically, the VA has spent as many as 1 in 4 of its health care dollars on maintaining its facilities and land, including properties that are no longer fit for the provision of medical services and are no longer in use. In order to better capitalize on its assets, the VA has conducted a nationwide review and prepared a plan to make the best use of its property. This plan is supported by a

broad coalition of veterans service organizations, and Congress should take care before carving out exceptions to this policy. This does not mean, however, that just any lease will do. The VA must incorporate the views of local veterans groups whenever it makes decisions about how to utilize its property and any lease must preserve the integrity of the VA grounds.

This bill includes over $1 billion for National Guard and Reserve construction. For too long, the needs of the National Guard and Reserve have not been adequately funded even while their responsibilities at home and abroad have grown exponentially. This bill increases funds for the National Guard and Reserve commensurate with their growing responsibilities.

I am concerned that the Department of Defense, according to the report of the Senate Appropriations Committee, has ''yet to provide a comprehensive plan detailing the scope and cost of the total military construction requirement'' associated with the increase in end strength of the Army and Marine Corps. Nor has the Defense Department properly accounted for the tremendous increase in the cost of realigning its force structure. And I am concerned that the Defense Department is proceeding with major new construction at Camp Lemonier in Djibouti even before the new AFRICOM commander has been confirmed, thereby undermining the stated goal of creating a more cohesive and coordinated approach to security in Africa. As chairman of the Subcommittee on African Affairs of the Senate Foreign Relations Committee, I am committed to ongoing oversight of the role of our Armed Forces in the overall U.S. strategy towards the African continent.

In conclusion, I am pleased that the Senate voted today to support the needs of members of the Armed Forces, the Reserves, veterans and their families. They have served our Nation selflessly and deserve our enduring support.

RETIREMENT OF ALEXIS T. LUM

Mr. INOUYE. Mr. President, I would like to recognize a great American and a remarkable man, who has an exceptional record of public service. He has honorably served our country with distinction for over 43 years of active duty and National Guard Service, as well as 16 years of service as my executive assistant.

GEN Alexis Lum retired in February 1991 as the adjutant general for the State of Hawaii Army National Guard. His military service began in 1945, when he was drafted shortly after graduating from Roosevelt High School in Honolulu. He served as an enlisted man in the Pacific, attaining the rank of staff sergeant. When discharged in 1947, he became a student at the University of Hawaii where he received his bachelor of science degree in civil engineering and a ROTC commission as a second lieutenant.

He was recalled to active duty in April 1951 for the Korean conflict and served as an infantry platoon leader. Released from active duty in 1954, he then joined the Hawaii Army National Guard as a first lieutenant. As a major, he was part of the National Guard call-up in 1968 and served in the Republic of Vietnam, initially as the executive office of an engineer battalion. Promoted to lieutenant colonel while on this tour, he served his last 4 months in Vietnam as commander of the same battalion.

His National Guard service included varied command and staff positions. He was promoted to brigadier general in 1980 and was assigned as the assistant adjutant general, Army. In 1982 he was appointed as the adjutant general, Hawaii by Governor George Ariyoshi and was promoted to the rank of major general. He attended many military service schools including the Army's Command, General Staff College, and the Industrial College of the Armed Forces. His military decorations include the Distinguished Service Medal, the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with cluster, the Army Commendation Medal, and numerous service medals.

In his civilian life, between tours of active duty, he was an engineer with the Navy Civil Service at the Naval Ammunition Depot, Lualualei, Oahu. He started as a junior engineer in 1954 when he was released from active duty. He progressed to the director of the engineering division and deputy public works officer for the Naval Ammunition Depot. He retired from Federal civil service in 1982, when he was appointed the adjutant general.

His wife is Leimomi—Momi—Mookini Lum. She served for 32 years with the Honolulu Police Department, as a police investigator, and retired in 1982. Her last 20 years of police service involved working in the juvenile crime prevention division of the Police Department. Together they have three children, Mrs. Angela Thomas, Mrs. Alexia Carvalho, and Mr. Oliver Lum, and four granddaughters.

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 and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1692. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

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. SANDERS:

S. 2031. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2032. A bill to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself and Mr. ROCKEFELLER):

S. 2033. A bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 310. A resolution commending the city of Lafayette, Louisiana , for engaging in a year-long celebration of the 250th anniversary of the birth of Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, commonly known as the Marquis de Lafayette; considered and agreed to.

By Ms. STABENOW (for herself, Mrs. DOLE, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, and Mr. WYDEN):

S. Res. 311. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 940

At the request of Mr. BAUCUS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. BENNETT) 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. 1316

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1316, a bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1621

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. RES. 292

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 292, a resolution designating the week beginning September 9, 2007, as ''National Assisted Living Week''.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1692. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2032. A bill to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. MURRAY. 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. 2032

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 ''Puget Sound Watershed Comprehensive Conservation Project Act of 2007''.

SEC. 2. COMPREHENSIVE CONSERVATION PLANNING FOR PUGET SOUND AREA.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with State and local governments, Indian tribes, or nongovernmental entities with a history of working with agricultural producers to carry out projects under the program.

(b) ASSISTANCE.—In carrying out the program, the Secretary may—

(1) provide project demonstration grants and technical assistance and carry out information and education programs to improve water quality in the Puget Sound area by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve water quality.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2008 through 2012 to carry out the program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 310—COMMENDING THE CITY OF LAFAYETTE, LOUISIANA, FOR ENGAGING IN A YEAR-LONG CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF MARIE-JOSEPH-PAUL-YVES-ROCH-GILBERT DU MOTIER, COMMONLY KNOWN AS THE MARQUIS DE LAFAYETTE

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas the Marquis de Lafayette was born on September 6, 1757, and occupies an important place in the history of the United States;

Whereas Lafayette demonstrated considerable military skill, valor, and dedication as he fought alongside American revolutionary fighters during their struggle for independence, and was voted by Congress the rank and commission of major general in the Continental Army;

Whereas Lafayette's military service was invaluable to General George Washington during many Revolutionary War battles, earning him his reputation as ''the soldier's friend'';

Whereas Lafayette's leadership and military ingenuity during the Battle of Yorktown, Virginia, led to the defeat of British General Lord Charles Cornwallis and subsequently the successful end to the American Revolutionary War;

Whereas Lafayette's advocacy in France on behalf of the United States fostered positive diplomatic relations and allowed for the Louisiana Purchase;

Whereas Lafayette's status as a native French speaker, in combination with his dedication to democracy in America, prompted Thomas Jefferson to request that the Marquis serve as the Governor of Louisiana;

Whereas Lafayette symbolizes the assistance America received from Europe during the struggle for independence;

Whereas United States aid to France during the World Wars of 1917–1918 and 1941–1945 stemmed in part from shared values of democracy and freedom, which Lafayette strongly supported;

Whereas the friendship between the people of the United States and France has not diminished;

Whereas continued relationships between the United States and France are important to the success of our global partnerships;

Whereas the town of Vermilionville, Louisiana, was renamed Lafayette in 1884 in honor of the Marquis de Lafayette; and

Whereas the city of Lafayette, Louisiana, in the heart of the Acadiana region, exhibits a rich French heritage: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Marquis de Lafayette on the 250th anniversary of his birth; and

(2) commends the city of Lafayette, Louisiana, for engaging in a year-long celebration of this anniversary.

SENATE RESOLUTION 311—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mrs. DOLE, Mrs. CLINTON, Mr. MENENDEZ,

Mrs. MURRAY, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 311

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas a National Ovarian Cancer Awareness Month should be designated to increase the awareness of the public regarding the cancer: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, September 7, at 9 a.m. in open session, and possibly closed session, to receive a report on the Government Accountability Office's assessment of 18 Iraq benchmarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. I ask unanimous consent that Ann Clough, a detailee in my office, be granted the privilege of the floor for the remainder of the debate on the conference report for H.R. 2669, the College Cost Reduction and Access Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Lily Clark, a fellow in my office, be granted the privilege of the floor for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

On Thursday, September 6, 2007, the Senate passed H.R. 2642, as amended, as follows:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,928,149,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $317,149,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,168,315,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $115,258,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,048,518,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $64,958,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,758,755,000, to remain available until September 30, 2012: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $154,728,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $478,836,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $228,995,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $138,424,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $59,150,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $27,559,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,100,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States

Code, and Military Construction Authorization Acts, $201,400,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $419,400,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $742,920,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $288,329,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $371,404,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $362,747,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $688,335,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,848,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $104,176,000, to remain available until September 30, 2012, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $320,689,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $8,174,315,000, to remain available until expended: Provided, That funds made available under this heading for the construction of facilities are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

SEC. 126. Funds made available by this title for the construction of facilities identified in the State table of the report accompanying this Act as ''Grow the Force'' projects are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $41,236,322,000, to remain available until expended: Provided, That not to exceed $28,583,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical administration'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,300,289,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat.

887; 72 Stat. 487, $41,250,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: 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 during fiscal year 2008, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,562,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $71,000, as authorized by chapter 31 of title 38, United States Code: 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 funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,287,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $628,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical services'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $28,979,220,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall remain available until September 30, 2009: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $3,642,000,000, plus reimbursements, of which $250,000,000 shall remain available until September 30, 2009.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,092,000,000, plus reimbursements, of which $350,000,000 shall remain available until September 30, 2009: Provided, That not less than $350,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $500,000,000, plus reimbursements, to remain available until September 30, 2009.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $217,709,000, of which not to exceed $25,000,000 shall remain available until September 30, 2009.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,612,031,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,329,044,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2009: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $88,700,000, of which $3,630,000 shall remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $727,400,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2008, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2008; and (2) by the awarding of a construction contract by September 30, 2009: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $751,398,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $250,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $1,898,000,000, to remain available until September 30, 2009: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008, in this Act or any other Act, for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2008, in this Act or any other Act, under the ''Medical services'', ''Medical Administration'', and ''Medical facilities'' accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2007.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $32,067,000 for the Office of Resolution Management and $3,148,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of this account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2)

require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical Administration'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2008, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new ''Information technology systems'' account, funds made available for fiscal year 2008, in this or any other Act, may be transferred from the ''General operating expenses'', ''National Cemetery Administration'', and ''Office of Inspector General'' accounts to the ''Medical services'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. Of the amounts made available for fiscal year 2008, in this Act or any other Act, under the ''Medical Facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last two months of the fiscal year.

SEC. 225. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA. (a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102–590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended—

(1) by inserting ''or section 225(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008'' after ''section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553)''; and

(2) by striking ''that section'' and inserting ''such sections''.

(d) EFFECTIVE DATE.—This section, including the amendment made by this section, shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 226. The Department shall continue research into Gulf War Illness at levels not less than those made available in fiscal year 2007, within available funds contained in this Act.

SEC. 227. (a) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of Veterans Affairs.

(b) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF VETERANS AFFAIRS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Department of Veterans Affairs a direct link to the Internet website of the Office of Inspector General of the Department of Veterans Affairs.

SEC. 228. (a) AUTHORITY FOR TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES TO TRAIN PSYCHOLOGISTS.—Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) NOTIFICATION.—The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 229. (a) REPORTS ON RECONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS, LOUISIANA.—(1) Not later than October 1 and April 1 each year, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations a report on the current status of the reconstruction of the Department of Veterans Affairs Medical Center in New Orleans, Louisiana. Each report shall include the following:

(A) The current status of the reconstruction of the Medical Center, including the status of any ongoing environmental assessments, the status of any current construction, and an assessment of the adequacy of funding necessary to complete the reconstruction.

(B) If reconstruction of the Medical Center is subject to any major delay—

(i) a description of each such delay;

(ii) an explanation for each such delay; and

(iii) a description of the action being taken or planned to address the delay.

(C) A description of current and anticipated funding for the reconstruction of the Medical Center, including an estimate of any additional funding required for the reconstruction.

(2) The requirement in paragraph (1) shall cease on the day that the reconstruction of the Medical Center referred to in that paragraph is completed.

(b) REPORT ON DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS AS POLYTRAUMA REHABILITATION CENTER OR POLYTRAUMA NETWORK SITE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations a report setting forth the recommendation of the Secretary as to whether or not the Department of Veterans Affairs Medical Center being reconstructed in new Orleans, Louisiana, should be designated as a tier I polytrauma rehabilitation center or a polytrauma network site.

SEC. 230. (a) ADDITIONAL AMOUNT FOR MEDICAL SERVICES.—The amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'' is hereby increased by $125,000,000.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'', as increased by subsection (a), $125,000,000 shall be available for the Veterans Beneficiary Travel Program. The amount available for the Veterans Beneficiary Travel Program under this subsection is in addition to any other amounts available for that program under this title.

(c) OFFSET.—The amount appropriated or otherwise made available by this title for the Veterans Health Administration under the heading ''MEDICAL ADMINISTRATION'' is hereby decreased by $125,000,000.

SEC. 231. (a) REPORT ON ACCESS TO MEDICAL SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO VETERANS IN REMOTE RURAL AREAS.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

(1) A description of the following:

(A) The unique challenges and costs faced by veterans in remote rural areas of contiguous and non-contiguous States when obtaining medical services from the Department of Veterans Affairs.

(B) The need to improve access to locally-administered care for veterans who reside in remote rural areas.

(C) The need to fund alternative sources of medical services—

(i) in areas where facilities of the Department of Veterans Affairs are not accessible to veterans without leaving such areas; and

(ii) in cases in which receipt of medical services by a veteran in a facility of the Department requires transportation of such veteran by air due to geographic and infrastructural constraints.

(2) An assessment of the potential for increasing local access to medical services for veterans in remote rural areas of contiguous and non-contiguous States through strategic partnerships with other government and local private health care providers.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Veterans' Affairs of the Senate and the House of Representatives; and

(2) the Subcommittees referred to in section 407.

SEC. 232. None of the funds appropriated or otherwise made available by this Act may be used during fiscal year 2008 to round down dollar amounts to the next lower whole dollar for payments of the following:

(1) Disability compensation under section 1114 of 38, United States Code.

(2) Additional compensation for dependents under section 1115(1) of such title.

(3) Clothing allowance under section 1162 of such title.

(4) Dependency and indemnity compensation to surviving spouse under subsections (a) through (d) of section 1311 of such title.

(5) Dependency and indemnity compensation to children under sections 1313(a) and 1314 of such title.

SEC. 233. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 234. LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC. (a) DESIGNATION.—The Department of Veterans Affairs clinic located in Alpena, Michigan, shall be known and designated as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs clinic referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

SEC. 235. The Secretary of Veterans Affairs may carry out a major medical facility lease in fiscal year 2008 in an amount not to exceed $12,000,000 to implement the recommendations outlined in the August, 2007 Study of South Texas Veterans' Inpatient and Specialty Outpatient Health Care Needs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $45,600,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $11,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $24,217,000: Provided, That $1,120,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,865,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned watermain at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,724,000.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the ''Armed Forces Retirement Home'', $5,900,000, to remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 301. None of the funds in this title under the heading ''American Battle Monuments Commission'' shall be available for the Capital Security Costs Sharing program.

TITLE IV

GENERAL PROVISIONS

SEC. 401. 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. 402. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) ASSESSMENT OF MENTAL HEALTH CARE SERVICES FOR FEMALE SERVICEMEMBERS AND VETERANS.—The Comptroller General of the United States shall conduct an assessment of the adequacy of the mental health care services provided by the Department of Veterans Affairs and the Department of Defense to female members of the Armed Forces and female veterans to meet the mental health care needs of such members and veterans.

(b) REPORT.—Not later than September 1, 2008, the Comptroller General shall submit to the Subcommittees referred to in section 407 a report on the assessment required by subsection (a).

SEC. 409. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

SEC. 410. (a) In this section:

(1) The term ''City'' means the City of Aurora, Colorado.

(2) The term ''deed'' means the quitclaim deed—

(A) conveyed by the Secretary to the City; and

(B) dated May 24, 1999.

(3) The term ''non-Federal land'' means—

(A) parcel I of the Fitzsimons Army Medical Center, Colorado; and

(B) the parcel of land described in the deed.

(4) The term ''Secretary'' means the Secretary of the Interior.

(b)(1) In accordance with paragraph (2), and subject to each term and condition required under paragraph (3), to allow the City to convey to the United States the non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility, the Secretary may execute such instruments as determined by the Secretary to be necessary to modify or release any condition under which the non-Federal land would revert to the United States.

(2) In carrying out paragraph (1), with respect to the non-Federal land, the Secretary shall alter—

(A) each provision of the deed relating to a reversionary interest of the United States; and

(B) any other reversionary interest of the United States.

To authorize the use of the property to include use as a veteran's facility in addition to use for recreational purposes.

(3) The Secretary shall carry out paragraph (1) subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States.

SEC. 411. For an additional amount $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available to the Department of Homeland Security for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Convention and Republican National Convention in 2008. The Department of Homeland Security shall provide for an audit

of all amounts made available under this section, including expenditures by State and local law enforcement entities. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 412. None of the funds appropriated or otherwise made available by this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008''.

Mr. INOUYE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 342, S. Res. 134; Calendar No. 343, S. Res. 282; Calendar No. 344, S. Res. 288; Calendar No. 345, S. Res. 292; and Calendar No. 346, S. Res. 301.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and that any statements relating thereto be printed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPT A SCHOOL LIBRARY MONTH

The resolution (S. Res. 134) designating September 2007 as ''Adopt a School Library Month,'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas extensive research has demonstrated a link between high-quality school libraries and student achievement in the classroom and on standardized tests, regardless of the level of poverty or family instability experienced by the student;

Whereas 37 percent of all fourth grade children in the United States are reading at below-basic reading levels;

Whereas the school libraries of the United States are valuable tools that could be used to inspire and enhance literacy for all children;

Whereas, to become a lifelong reader, a student must be exposed to adults who read regularly and serve as positive reading role models;

Whereas school librarians are—

(1) instrumental in helping teachers educate the students of the United States; and

(2) through the use of books, computer resources, and other resources, a necessary component for expanding the curriculum of the public schools of the United States;

Whereas the school libraries of the United States are used as media centers to provide students with opportunities to interact with computers and other electronic information resources;

Whereas the use of school library computers helps students develop media and technological skills, including—

(1) critical thinking;

(2) communication competency; and

(3) the ethical and appropriate use of technology information access, retrieval, and production;

Whereas the school libraries of the United States serve as a gathering place for students of all ages, backgrounds, and interests to come together to debate ideas;

Whereas only approximately $1,000,000,000 is allocated to school libraries each year, which translates to $0.54 per student; and

Whereas numerous programs, including the READesign program of the Heart of America Foundation, are working to reestablish school libraries as the hearts of the public schools of the United States by—

(1) offering intensive care for school libraries though efforts designed—

(A) to redecorate school libraries;

(B) to revitalize technology available to school libraries; and

(C) to replenish the book shelves of school libraries; and

(2) renewing community support and interest for—

(A) enriching the lives of children; and

(B) helping students regain lost opportunities for learning: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''Adopt a School Library Month'' to raise public awareness about the important role school libraries play in the academic achievement of children; and

(2) calls on the Federal Government, States, local governments, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate ceremonies, programs, and other activities.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

The resolution (S. Res. 282) supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas polycystic kidney disease (known as ''PKD'') is 1 of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents for polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the 4th leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the 3rd week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 9–16, 2007, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease (known as ''PKD'');

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

NATIONAL PROSTATE CANCER AWARENESS WEEK

The resolution (S. Res. 288) designating September 2007 as ''National Prostate Cancer Awareness Month,'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 288

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2007, according to estimates from the American Cancer Society, over 218,890 men in the United States will be diagnosed with prostate cancer and 27,050 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnoses, he has 5 times the risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

NATIONAL ASSISTED LIVING WEEK

The resolution (S. Res. 292) designating the week beginning September 9, 2007, as ''National Assisted Living Week,'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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.

50TH ANNIVERSARY OF DESEGREGATION IN LITTLE ROCK, ARKANSAS

The resolution (S. Res. 301) recognizing the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas the landmark 1954 Supreme Court decision in Brown v. Board of Education of Topeka established that racial segregation in public schools violated the Constitution of the United States;

Whereas, in September 1957, 9 African-American students (Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls), known as the ''Little Rock Nine'', became the first African-American students at Little Rock Central High School;

Whereas the Little Rock Nine displayed tremendous strength, determination, and courage despite enduring verbal and physical abuse;

Whereas Little Rock Central High School was listed in the National Register of Historic Places on August 19, 1977, and was designated a National Historic Landmark on May 20, 1982;

Whereas, on November 6, 1998, Congress established the Little Rock Central High School National Historic Site in the State of Arkansas (Public Law 105–356), which is administered in partnership with the National Park Service, the Little Rock Public School System, the City of Little Rock, and other entities;

Whereas, in 2007, Little Rock Central High School and the Little Rock Central High School Integration 50th Anniversary Commission will host events to commemorate the 50th anniversary of the Little Rock Nine entering Little Rock Central High School;

Whereas these events will include the opening of a new visitors' center and museum, which will feature exhibits on the Little Rock Nine and the road to desegregation; and

Whereas Little Rock Central High School continues to be regarded as one of the best public high schools in the United States, with students scoring above the national average on the ACT, PSAT, and PLAN tests and receiving an average of $3,000,000 in academic scholarships each year: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the extraordinary bravery and courage of the Little Rock Nine, who helped expand opportunity and equality in public education in Arkansas and throughout the United States by becoming the first African-American students at Little Rock Central High School;

(2) commemorates the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement;

(3) encourages all people of the United States to reflect on the importance of this event; and

(4) acknowledges that continued efforts and resources should be directed to enable all children to achieve equal opportunity in education in the United States.

ESTABLISHMENT OF A MUSEUM OF THE HISTORY OF AMERICAN DIPLOMACY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 243, S. Res. 253.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 253) expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 253

Whereas the role of diplomacy in the foreign policy of the United States deserves recognition;

Whereas the day-to-day efforts of American diplomats serving in overseas embassies and in the United States also deserve recognition;

Whereas, in 1998, the Department of State began to explore the feasibility of establishing a Museum of the History of American Diplomacy (in this resolution referred to as the ''Museum'');

Whereas the Foreign Affairs Museum Council (in this resolution referred to as the ''Council''), a 501(c)(3) charitable foundation, was created subsequently to raise funds for the Museum through donations from private sector organizations, former diplomats, and concerned citizens;

Whereas no taxpayer funds will be used for the establishment of the Museum;

Whereas former Secretaries of State Henry Kissinger, Alexander Haig, George Schultz, James Baker III, Lawrence Eagleburger, Warren Christopher, Madeleine Albright, and Colin Powell serve as Honorary Directors of the Council;

Whereas experienced and noteworthy diplomats and foreign policy experts, including Elizabeth Bagley, Keith Brown, Frank Carlucci, Elinor Constable, Leslie Gelb, William Harrop, Arthur Hartman, Herbert Hansell, Stephen Low, Thomas Pickering, Richard Solomon, and Terence Todman, serve on the Board of Directors of the Council;

Whereas former members of the Senate, including the Honorable Paul Sarbanes, and of the House of Representatives, including the Honorable Lee Hamilton, also serve on the Board of Directors of the Council;

Whereas the Honorable Charles ''Mac'' Mathias, a former Senator and member of the Committee on Foreign Relations of the Senate, is the Chairperson of the Board of Directors of the Council;

Whereas the Council has already raised over $1,300,000 through private donations; and

Whereas $300,000 has been spent to complete an initial concept design for the Museum: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the diplomats of the United States serving overseas and in the United States are in many cases the front line of our national security policy;

(2) the people of the United States deserve a better understanding of the efforts of these brave men and women;

(3) talented young people and their families should be encouraged to consider careers in foreign affairs as an important contribution to their country;

(4) the establishment of a Museum of the History of American Diplomacy that highlights the work of these men and women throughout the history of the United States is a worthy endeavor; and

(5) the current plan of the Foreign Affairs Museum Council to fund the museum through private donations is appropriate and deserves the support of the Department of State.

COMMENDING LAFAYETTE, LOUISIANA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 310) commending the city of Lafayette, Louisiana, for engaging in a year-long celebration of the 250th anniversary of the birth of Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, commonly known as the Marquis de Lafayette.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas the Marquis de Lafayette was born on September 6, 1757, and occupies an important place in the history of the United States;

Whereas Lafayette demonstrated considerable military skill, valor, and dedication as he fought alongside American revolutionary fighters during their struggle for independence, and was voted by Congress the rank and commission of major general in the Continental Army;

Whereas Lafayette's military service was invaluable to General George Washington during many Revolutionary War battles, earning him his reputation as ''the soldier's friend'';

Whereas Lafayette's leadership and military ingenuity during the Battle of Yorktown, Virginia, led to the defeat of British General Lord Charles Cornwallis and subsequently the successful end to the American Revolutionary War;

Whereas Lafayette's advocacy in France on behalf of the United States fostered positive diplomatic relations and allowed for the Louisiana Purchase;

Whereas Lafayette's status as a native French speaker, in combination with his dedication to democracy in America, prompted Thomas Jefferson to request that the Marquis serve as the Governor of Louisiana;

Whereas Lafayette symbolizes the assistance America received from Europe during the struggle for independence;

Whereas United States aid to France during the World Wars of 1917-1918 and 1941-1945 stemmed in part from shared values of democracy and freedom, which Lafayette strongly supported;

Whereas the friendship between the people of the United States and France has not diminished;

Whereas continued relationships between the United States and France are important to the success of our global partnerships;

Whereas the town of Vermilionville, Louisiana, was renamed Lafayette in 1884 in honor of the Marquis de Lafayette; and

Whereas the city of Lafayette, Louisiana, in the heart of the Acadiana region, exhibits a rich French heritage: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Marquis de Lafayette on the 250th anniversary of his birth; and

(2) commends the city of Lafayette, Louisiana, for engaging in a year-long celebration of this anniversary.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 311, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 311) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, this resolution designates September as ''National Ovarian Cancer Awareness Month.'' I am pleased to be joined by my colleagues, Senators DOLE and CLINTON, to shed some light on this disease.

This year alone, ovarian cancer will be diagnosed in an estimated 20,000 women, and approximately 15,000 more women will die of this disease. Unfortunately, ovarian cancer is usually caught in an advanced stage, meaning there is only a 29 percent survival rate over five years. We must acknowledge these statistics and overcome the challenges of diagnosing this deadly disease.

Earlier this year, I was fortunate to have the opportunity to meet with nine-year survivor Carolyn Benivegna of Novi, Michigan. After being misdiagnosed by a number of doctors, Carolyn finally learned that she had ovarian cancer. However, Carolyn is not letting the cancer run her life. Instead, she has become an advocate for the Survivors Teaching Students program, which aims to enhance medical students' understanding of the symptoms and risk factors of ovarian cancer to facilitate early diagnosis and detection when they begin practicing medicine. I am proud that both Michigan

State University and Wayne State University are starting Survivors Training Students programs for their medical students.

While there is no definitive screening test, recent studies have shown common symptoms of ovarian cancer such as bloating, abdominal pain, and difficulty eating. However, we must take active steps to educate the community and medical providers of the newest discoveries in prevention, early diagnosis, and treatment of this disease.

Mr. President, by recognizing September as National Ovarian Cancer Awareness Month, we can show our support for ovarian cancer survivors and their families and join the fight to conquer this disease.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 311

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas a National Ovarian Cancer Awareness Month should be designated to increase the awareness of the public regarding the cancer: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

ORDERS FOR MONDAY, SEPTEMBER 10, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Monday, September 10; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 10, 2007, AT 10 A.M.

Mr. BROWN. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:29 p.m., adjourned until Monday, September 10, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

WALTER LUKKEN, OF INDIANA, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE REUBEN JEFFERY III.

DEPARTMENT OF COMMERCE

TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE JOHNNIE E. FRAZIER, RESIGNED.

DEPARTMENT OF STATE

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

DEPARTMENT OF HOMELAND SECURITY

HARVEY E. JOHNSON, JR., OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 7, 2007 withdrawing from further Senate consideration the following nomination:

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA, WHICH WAS SENT TO THE SENATE ON JULY 25, 2007.

EXTENSIONS OF REMARKS

CONGRATULATING BRUCE BAUGHMAN FOR HIS SERVICE AS DIRECTOR OF THE ALABAMA EMERGENCY MANAGEMENT AGENCY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, it is with great pride and personal pleasure that I rise today to honor Bruce Baughman for his years of leadership and service to the state of Alabama as director of the Alabama Emergency Management Agency (AEMA).

Bruce's tenure has endured devastating natural disasters across Alabama, including Hurricanes Ivan and Katrina as well as a deadly tornado that killed 10 people at Enterprise High School. In each of these circumstances, Bruce's experience and guidance proved crucial to the entire region. In the wake of Hurricane Katrina, the recovery in south Alabama was much better than expected, and as a result of Bruce's steady hand, AEMA's response to Hurricane Katrina in 2005 received national praise.

His list of accomplishments is long enough to fill an entire volume of the CONGRESSIONAL RECORD. Among the highlights, Bruce was the Federal Emergency Management Agency's (FEMA) director of operations for response efforts at both the World Trade Center and the Pentagon in the wake of the September 11 terrorist attacks. Bruce also served as director of FEMA's Office of National Preparedness, a department created at the request of the president and charged with planning and coordinating the agency's domestic terrorism preparedness.

Bruce has served as director of FEMA's Planning and Readiness Division, coordinating the development and implementation of FEMA policies and procedures for use during presidentially declared emergencies. Prior to joining FEMA, Bruce served on the Mississippi EMA staff. Bruce is also a veteran, having served his country as an artillery officer in the U.S. Marine Corps, seeing service in Asia, Europe, and the Caribbean.

Bruce's lifetime of service has certainly not gone unnoticed. He has received numerous awards including FEMA's Distinguished Service Award and four FEMA Meritorious Service Awards.

Madam Speaker, the faithful service of outstanding Americans like Bruce Baughman has contributed in an immeasurable way to the wellbeing of our state and our Nation. I would like to offer my congratulations to Bruce for his many personal and professional achievements and offer a heartfelt "thank you" for a job well done.

I know his family and many friends join with me in honoring his accomplishments and extending thanks for his many efforts on behalf of the people of Alabama and our great Nation.

HONORING THE 16TH INDEPENDENCE DAY FOR UKRAINE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. WALSH of New York. Madam Speaker, 16 years ago on August 22, 1991, the Ukrainian parliament adopted the Act of Independence in which the parliament declared Ukraine as an independent democratic state. The Soviet rule over the region was finally over.

Today, August 24th, is celebrated as Ukrainian Independence Day.

Here in the United States, Ukrainian-Americans join together on this date to celebrate their nation's democracy. As a example to the rest of the world, Ukrainian democracy was created without bloodshed. Today the nation enjoys the freedoms of speech, religion and civil liberties and boosts one of Europe's strongest economies.

For the many generations of immigrants that have come from Ukraine to the United States, memories of communist rule and hard times during the Soviet reign are still prevalent in their minds. However, Ukrainian Independence Day is a day where freedom and democracy are celebrated. Especially in towns like Irondequoit, NY.

Irondequoit boosts a strong and vibrant Ukrainian community. Over 15,000 Ukrainian-Americans call this town their home. There are 2 Ukrainian churches and it is home to one of the largest annual Ukrainian festivals in the country.

In this light, I would like to recognize all the Ukrainian-Americans in Irondequoit as they gather to celebrate Ukrainian Independence Day.

STATEMENT OF CHIEF JUSTICE PAMELA MINZNER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. UDALL of New Mexico. Madam Speaker, when Pamela Minzner became the first female chief justice of the New Mexico Supreme Court, lawyers wanted to know what to call her. New Mexico lawyers had never used the phrase "Madam Chief Justice," so they decided to inquire if they could call her "Chief Justice Minzner." The Chief Justice's reply speaks volumes about her personality. She told the shocked lawyers, "just call me Pam."

Pamela Minzner grew up with dreams of being a secretary. She believed the job would give her all the independence a woman could expect. But after interning at the Ohio Civil Rights Commission in the 1960s, Minzner decided to study law. In 1968 she graduated from Harvard Law School as one of 22 women in a class of 500. In 1994, she became just the second woman to serve on the New Mexico Supreme Court, and in 1999 she became the court's first female chief justice.

Minzner will always be known for her integrity. She stood strong on principal when politics threatened to poison the court. She gave freely of her advice and compassion, and public officials across New Mexico regarded her as a mentor and a friend. Assistants remember leaving her chambers late at night with the judge still working, and her husband, Dick, recalls her commitment to the law and to her work.

I served as New Mexico's Attorney General when Justice Minzner was on the Supreme Court. I remember her ability to inspire trust in the rule of law. Justice Minzner believed in the law as a force for progress and fairness. Through the respect she showed to every lawyer who entered her court, she showed New Mexico that the legal system can be fair and just to all sides. On behalf of New Mexico, I want to honor Justice Minzner for her exemplary work and life as a wife to Dick and mother to Carl and Max.

IN RECOGNITION OF GENERAL VICTOR E. RENUART, JR.

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. LAMBORN. Madam Speaker, I rise in recognition of United States Air Force General Victor E. Renuart, Jr. who, on March 19, 2007, assumed command of North American Aerospace Defense Command and United States Northern Command both of which are located at Peterson Air Force Base in the Fifth Congressional District of Colorado.

General Renuart began his distinguished career with the United States Air Force in 1971 and completed Officer Training School in 1972. After commanding the 76th Tactical Fighter Squadron during Operation Desert Shield and Operation Desert Storm, General Renuart was appointed, in 1992, Director of Assignments, Deputy Chief of Staff for Personnel, Headquarters, U.S. Air Forces in Europe. He then went on to become Commander, Headquarters Support Group, Allied Air Forces Central Europe, NATO at Ramstein Air Force Base in Germany. He has served as Director of Plans for the NATO Combined Air Operations Center, Commander of the 52nd Fighter Wing, Commander of the 347th Fighter Wing, and in 2000 took command of Joint Task Force-Southwest Asia and the 9th Air and Space Expeditionary Task Force-Southwest Asia.

After serving as Director of Operations for U.S. Central Command where he supervised all joint and allied combat, as well as humanitarian and reconstruction operations for Operation Enduring Freedom and Operation Iraqi Freedom, General Renuart became Vice Commander of Pacific Air Forces and Director of

Strategic Plans and Policy on the Joint Staff. Most recently, General Renuart was the Senior Military Assistant to the Secretary of Defense, in which capacity he also served as the senior military liaison to the military services for the Joint Chiefs of Staff and the combatant commands.

I would like to extend my sincere gratitude to General Renuart for his service to our Nation and I congratulate him on this most recent achievement. NORAD and NORTHCOM are vital to our national security, and I am pleased that they will be under the command of such a capable and esteemed leader as General Renuart.

CONGRATULATING T. MICHAEL GOODRICH ON HIS INDUCTION INTO THE ALABAMA ACADEMY OF HONOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor T. Michael Goodrich on the occasion of his induction into the Alabama Academy of Honor.

Michael's years of leadership and service to the State of Alabama as chief executive officer and chairman of the board of BE&K, Inc. have added in an immeasurable way to the wellbeing of our State and Nation.

His lifetime of service has certainly not gone unnoticed. He has received numerous awards including the NOVA Award from the Construction Innovation Forum and the Excellence in Construction Cornerstone Award from the Associated Builders and Contractors.

Created in 1965, the Alabama Academy of Honor was created to recognize living Alabamians for their accomplishments and service that greatly benefits or reflects credit on the State of Alabama. Ten members may be elected annually by the Academy of Honor with no greater than 100 living members at a time.

Madam Speaker, the following tribute was presented to T. Michael Goodrich at his ceremony of induction into the Academy in 2007. With your permission, I would like to add this tribute to the CONGRESSIONAL RECORD.

T. MICHAEL GOODRICH

T. Michael Goodrich is the chief executive officer and chairman of the board of BE&K, Inc., providing engineering, construction, and maintenance services throughout the world. BE&K was recognized by author Robert Levering and by Fortune magazine as ''One of the 100 Best Companies to Work for in America. ''

Thomas Michael Goodrich was born in Milan, Tennessee, and moved to Birmingham in 1948. He graduated from Indian Springs School, earned a civil engineering degree from Tulane University, and a Juris Doctorate from the University of Alabama School of Law. He served as a captain in the U.S. Army Corps of Engineers and as Alabama Chief Justice Howell Heflin's first law clerk and later his administrative assistant.

Goodrich began his career at BE&K in 1972 as legal counsel. His responsibility grew along with the company, and he became vice president and general counsel. In 1989, he was named president, in 1995, CEO, and in 2003, chairman. BE&K companies have built such diverse projects as Fulton County Stadium, Ericsson Stadium, Discovery Cove for Sea World, NASCAR Hall of Fame, and numerous industrial and telecommunications projects. In addition to work in the United States, BE&K operates an industrial construction company in Poland and Russia and a biotech-engineering firm in Helsinki, Finland.

Goodrich has served as board member and officer with numerous industry and civic organizations, including Associated Builders and Contractors of Alabama; Birmingham Construction Industry Authority; Construction Industry Institute; National Building Museum; Birmingham Civil Rights Institute; Lakeshore Hospital; Leadership Council, University of Alabama at Birmingham; University of Alabama Health System; Eisenhower Exchange Fellow; Board of Governors of Indian Springs School; Leadership Alabama; Leadership Birmingham; South Highland Presbyterian Church; and state and national Boy Scouts of America. His awards and honors include the NOVA Award from the Construction Innovation Forum; the Excellence in Construction Cornerstone Award from the Associated Builders and Contractors; the President's Medal from UAB; and the Silver Antelope and Distinguished Eagle Scout awards from the Boys Scouts of America. He was inducted into the National Academy of Construction in 2002 and the State of Alabama Engineering Hall of Fame in 2004.

Mike and Gillian Goodrich have four children and two grandchildren.

Madam Speaker, I would like to offer my congratulations to Michael for his many personal and professional achievements and offer a heartfelt ''thank you'' for a job well done. I know his wife, Gillian, his family, and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years for the State of Alabama.

HONORING THE LIFE AND ACCOMPLISHMENTS OF OLIVER W. HILL, SR.

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. CANTOR. Madam Speaker, I rise today to honor the memory of civil rights pioneer Oliver W. Hill of Richmond, Virginia, who passed away on August 5, 2007.

Oliver Hill will be remembered for his many achievements and contributions to the causes of equality and justice. He worked tirelessly to ensure that all people are given the same rights and opportunities under the law.

His landmark successes in the field of law, including a crucial role in the U.S. Supreme Court's Brown v. Board of Education decision in 1954, paved the way for the elimination of segregation in this country.

His steady leadership and unwavering dedication to principled change sets him apart as a true hero of our time. His service to the Commonwealth of Virginia and to this Nation is a legacy that will continue for future generations of Americans.

Madam Speaker, I urge my colleagues to join me in honoring the life of Oliver Hill.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. MOORE of Kansas. Madam Speaker, on March 28, 2007, I inadvertently failed to cast a recorded vote on rollcall vote 204, concerning H. Res. 274. Had I cast my vote, I would have voted ''aye.''

On May 14, I inadvertently failed to cast a recorded vote on rollcall vote 344, concerning H. Res. 385. Had I cast my vote, I would have voted ''aye.''

On August 3, I inadvertently failed to cast a recorded vote on rollcall vote 822, concerning H. Res. 612. Had I cast my vote, I would have voted ''aye.''

TRIBUTE ON THE 75TH ANNIVERSARY OF SAVE THE CHILDREN

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SHAYS. Madam Speaker, this year, Save the Children marks its 75th year of service to children. This is certainly an achievement worth celebrating—and Save the Children did so last night at an Anniversary Benefit in New York City. Seventy-five years ago, a group of concerned business people first gathered in New York City to respond to the needs of children in Appalachia, hit hard by the Great Depression. Save the Children USA began with a hot lunch program for undernourished schoolchildren in rural Kentucky. This brought about an almost immediate rise in attendance and academic achievement, and the program became one of the models for the Federal school lunch program. Throughout its history, Save the Children has focused on transforming children's lives by providing families and communities with the tools they need to break the cycle of poverty. And Save the Children continues to respond to crises resulting from conflicts or natural disasters. Save the Children's mission remains the same in war-torn Afghanistan, tsunami-stricken Indonesia and the United States' coastal area hit by Hurricane Katrina. In addition to 12 states in the U.S., Save the Children is now in more than 50 countries.

Today, when one in every six children in the U.S. are still living in poverty, and one-third of American children and adolescents are either obese or at risk of becoming obese, Save the Children remains hard at work in rural communities providing literacy, physical activity and nutrition, and early childhood support to children in need. Save the Children is working in some of the Nation's poorest communities: in Appalachia, the Southeast, the Mississippi River Delta, the Gulf Coast, the Southwest and California's Central Valley. In rural communities like these, 2.6 million children live in poverty, and many lack access to the recreational opportunities and affordable, fresh produce they need to sustain healthy lives.

Save the Children's international programs began in the 1940's with sponsorships of children caught in the crossfire of World War II. Today, Save the Children reaches the world's

most marginalized children—those who urgently need education, health services, nutrition and economic security to survive and thrive in more than 50 countries around the world. Half as many children under age 5 die each year as compared to 1960 and the number of children who can read and write has increased by nearly 50 percent. Save the Children has played a lead role in some unprecedented global successes for children over the years. Yet, there is still much more work to be done. More than 600,000 children in developing countries live in families that must survive on less than $1 a day. Moreover, 77 million children around the world are out of school, and 28,000 children under the age of 5 die each and every day. That is not acceptable. Save the Children has launched initiatives to tackle these challenges.

I am proud Save the Children has its headquarters in the Fourth Congressional District, in Westport, Connecticut, and applaud them for their accomplishments over the last 75 years. I also appreciate the leadership of Charlie MacCormack and look forward to witnessing the future lasting, positive changes Save the Children will make in the lives of children. I hope my colleagues will join me in recognizing and supporting this fine organization and their noteworthy mission.

HONORING THE MEMORY OF DONALD CRUMPTON MOSLEY, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of Donald Crumpton Mosley, Sr., former dean of the business college of the University of South Alabama. A consummate educator who brought out the best in his students and colleagues, Dr. Mosley devoted his life to education.

Don Mosley spent 10 years at the University of South Alabama as its business college's second dean, achieving accreditation from the Association of Advance Collegiate Schools of Business before the school was even 10 years old. He left the school in 1982 to pursue teaching and consulting opportunities and returned in 1999 as the Emeritus Professor of Management. The University of South Alabama's National Alumni Association honored Dean Mosley as an outstanding professor, a sentiment echoed by his former students.

Dean Mosley brought the Alabama Banking School to the University of South Alabama, establishing a week-long program that brings together banking officials from across the state. In addition to serving as dean of the USA business school, Don served as dean of Leadership Alabama and Leadership Mississippi.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community member and friend to many throughout south Alabama. Don Mosley will be deeply missed by those who knew him. He is survived by his wife, Susan Young Mosley of Mobile; his son, Donald C. Mosley of Mobile; his brother, Joe Thomas Mosley of Starkville; and two granddaughters. He will be remembered in the thoughts and prayers of all those whose lives he touched and whose minds he lit with the spark of learning.

RECOGNITION OF THE 35TH ANNUAL ST. JOSAPHAT'S UKRAINIAN FESTIVAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. WALSH of New York. Madam Speaker, for the past 35 years, local parishioners from St. Josaphat's Ukrainian Catholic Church have been gathering to celebrate their heritage during the annual Ukrainian Festival in Irondequoit, NY.

Starting as a small event for the church congregation, over the years the festival has grown into an annual tradition. This year, August 16, 2007, marked the starting of the festival's 35th year. Such a milestone is a testament to the strong Ukrainian heritage throughout Irondequoit and Greater Rochester.

The festival is known for its traditional Ukrainian food, music and dancing. The 35th Ukrainian Festival will feature singing groups from Ukraine, local dancers as well as musical performances on the Bandura, a traditional string instrument. The festival includes rides and activities for kids and adults along with a diverse display of Ukrainian crafts, clothing, music and other collectibles such as pysanky. It's the premier Ukrainian Arts and Crafts Festival of the northeast. This year, organizers made more than 44,000 pyrohy and 20,000 holubsti—all homemade from one recipe by the parishioners.

The overwhelming success of the Ukrainian Festival has made it an institution in the Rochester area. Undoubtedly, the next 35 years will see even more success.

STATEMENT ON REPORTER AND ACTIVIST BOB JOHNSON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. UDALL of New Mexico. Madam Speaker, if Bob Johnson had only one career, he would still be worthy of our admiration. If he had been only a hard working and talented reporter, a reporter who was loved by his coworkers and revered by the many he mentored, he would deserve our respect. Had he been only a crusader for open government, a tireless advocate for freedom of the press and the people, he would deserve our appreciation. But Bob Johnson was all of these things: A no-nonsense former marine who kept people informed about their government and changed government to make it more responsive to the people.

Bob Johnson wrote the Associated Press' first bulletin on the assassination of President John F. Kennedy. His coverage of that tragedy shaped the response of a mourning nation and quelled public panic with prompt information. As an editor, Johnson taught young reporters the ins and outs of the newspaper business. Those who worked with him remember a ball of energy who was never too busy to pass along a hard-learned lesson or counsel a colleague in need. He covered everything from the Apollo space flights to the taking of hostages at the 1972 Munich Olympics with the same diligence, precision and enthusiasm.

In his "retirement," Johnson founded and ran the New Mexico Foundation for Open Government. With a reporter's instinct for bringing public scrutiny to private places, Johnson has helped file more than 70 successful complaints under the Open Meetings Act. The organization he founded has helped the New Mexico Legislature craft laws to protect freedom of information and teach young people about their First Amendment rights. By educating and. empowering citizens around the state, the Foundation for Open Government has helped put government transparency on the public agenda in New Mexico. Thanks to Johnson, we know more about the decisions that affect our lives.

Bob Johnson's life will always remind us that a commitment to truth is powerful. For his more than 60 years of dedicated work in the public interest, I wish to honor Robert H. Johnson.

RECOGNITION OF ADMIRAL TIMOTHY J. KEATING

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of ADM Timothy J. Keating. I would like to thank ADM Keating for his recent service as Commander of North American Aerospace Defense Command and United States Northern Command, from November 5, 2004 until March 19, 2007, and congratulate him on becoming the Commander of the U.S. Pacific Command, at Camp H.M. Smith in Hawaii.

ADM Keating, who graduated from the United States Naval Academy in 1971, completed his flight training in 1973 and has gone on to amass over 5,000 flight hours. From 1982 to 1984 he was the Administrative Officer, Operations Officer and Maintenance Officer with the VA–94, during which time he deployed twice to the western Pacific. In 1987 ADM Keating commanded VFA–87 and deployed to the North Atlantic and the Mediterranean aboard USS *Theodore Roosevelt*. Following this assignment, ADM Keating served at the Naval Military Personnel Command in Washington, DC as Head of the Aviation Junior Officer Assignments Branch. In 1991 he became Deputy Commander, Carrier Air Wing Seventeen where he participated in combat operations supporting Operation Desert Storm.

In addition to serving as Chief of Naval Operations Fellow with the Strategic Studies Group, and at the Joint Task Force Southwest Asia in Riyadh, Saudi Arabia, ADM Keating has also been Deputy Commander and Commander of Carrier Air Wing Nine aboard USS *Nimitz* in the Arabian Gulf, Commander of the Naval Strike Warfare Center in Fallon, Nevada, and Director of the Aviation Officer Distribution Division in the Naval Military Personnel Command. In 1998 he became Commander of Carrier Group Five in Yokosuka, Japan and, in 2000, Deputy Chief of Naval Operations for Plans, Policy and Operations at OPNAV. Prior to Commanding NORAD and USNORTHCOM, ADM Keating was the Commander of U.S. Naval Forces Central Command and U.S. Fifth Fleet, as well as Director of the Joint Staff.

A highly decorated and distinguished leader, ADM Keating has served our country honorably for over three decades. I commend him for his invaluable contributions to our Nation's defense and know that U.S. Pacific Command will benefit from his extensive experience.

HONORING THE MEMORY OF SAMUEL CARLMAN BURTON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of Samuel Carlman Burton. As the first principal of Mattie T. Blount High School in Prichard, Alabama, Mr. Burton worked tirelessly for the growth and development of his students and of his school.

Mr. Burton served Prichard as the principal of Mattie T. Blount High School from 1957 to 1979, and before that was an employee of the Mobile County Public School System for eight years. He also served as principal of Mount Vernon Elementary School.

Fond of quoting from "The Bridge Builder" by Will Allen Dromgoole, Sam Burton often talked about the legacy teachers and educators leave for future generations. The poem's last lines read: "He, too, must cross in the twilight dim; Good friend, I am building the bridge for him."

Mr. Burton is survived by his daughter Sallie Johnson of Mobile; his brother Frederick Burton of Atlanta; his granddaughter Carlee Johnson of Mobile; and two great-granddaughters, Adrian Johnson and Emily Johnson of Mobile. I ask my colleagues to join me in remembering Samuel Carlman Burton, a principal who spent his life building bridges.

TRIBUTE TO THE 250TH BIRTHDAY OF THE MARQUIS DE LAFAYETTE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. CANTOR. Madam Speaker, I rise today to mark the 250th birthday of the Marquis de Lafayette, born 6 September 1757.

By the age of 20, Lafayette had already served for several years as an officer in the French army. Inspired by the concept of American independence, in 1777 Lafayette came to the United States to volunteer his services, and was appointed a Major General by the Continental Congress.

He became a stalwart friend of General George Washington, and also of future President James Monroe. Lafayette fought and was wounded at Brandywine, and wintered at Valley Forge.

Returning to France late in 1778 to rally support for the American cause, he was instrumental in France's decision to join the Revolutionary War in support of the United States. He returned to America in 1780 to help lead a new infusion of French troops.

Working closely with General George Washington, Lafayette led the French forces which helped to trap Lord Cornwallis at Yorktown, and forced the British surrender there in October 1781.

After the victory at Yorktown, Lafayette returned to France, but came back to the United States in 1794 at the invitation of President George Washington, and again in 1824–1825 at the invitation of President James Monroe.

Declared an honorary citizen of both the United States and Virginia, the Marquis de Lafayette truly played a vital role in the American Revolution.

In Virginia, in celebration of Lafayette's 250th birthday, ceremonies will be held in Richmond by various historical and lineage societies on Saturday, September 8 at Mason's Hall, the State Capitol and the John Marshall House, all venues visited by Lafayette, to commemorate this anniversary.

Madam Speaker, I urge my colleagues to join me in honoring Marquis de Lafayette on his birthday.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. MOORE of Kansas. Madam Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 220th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Madam Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SHAYS. Madam Speaker, on September 5, 2007, I missed 1 recorded vote. I take my voting responsibility very seriously. Had I been present, I would have voted "yes" on recorded vote No. 853.

CONGRATULATING HENRY L. AARON ON HIS INDUCTION INTO THE ALABAMA ACADEMY OF HONOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Henry L. Aaron on the occasion of his induction into the Alabama Academy of Honor.

Henry Aaron, who is better known to his fans throughout the world as "Hank," set more major league batting records than any player in the game's history and held Major League Baseball's record for home runs until just last month. The Mobile native was inducted into the baseball Hall of Fame in 1982, and played for the Milwaukee Braves, the Atlanta Braves, and the Milwaukee Brewers.

Created in 1965, the Alabama Academy of Honor was created to recognize living Alabamians for their accomplishments and service that greatly benefits or reflects credit on the state of Alabama. Ten members may be elected annually by the Academy of Honor with no greater than 100 living members at a time.

Madam Speaker, the following tribute was presented to Hank Aaron at his ceremony of induction into the Academy in 2007. With your permission, I would like to add this tribute to the CONGRESSIONAL RECORD.

HENRY L. AARON

Henry L. Aaron rewrote the hitting records book during a stellar career in major league baseball. Today he is senior vice president of Atlanta National League Baseball Club, Inc.—the Atlanta Braves—and is a successful businessman and civic leader.

Born in 1934 in Mobile, Aaron was a star student athlete in football and baseball, playing semi-pro in the latter sport while still in high school. He was later signed by the Indianapolis Clowns and helped lead that team to win the 1952 Negro League World Series. That same year he was signed by the Boston (later Milwaukee, then Atlanta) Braves. He dominated both Braves farm teams he was on, and by 1954 was in the major leagues, homering in his first spring

training game in a Milwaukee uniform. That was just the beginning.

Over the next twenty-three years, he set more major league batting records than any player in the game's history, including most home runs, lifetime, 755; most years with 30 or more home runs, 15; most extra-base hits, 1,477; most total bases, 6,856; and most runs batted in, lifetime, 2,297. On May 17, 1970, Aaron became the first player to achieve both 3,000 career hits and more than 500 homers. He was also an outstanding fielder, winning three Gold Gloves, and he was elected to a record 24 All-Star teams. He was inducted into the Hall of Fame at Cooperstown, New York, on August 1, 1982. His autobiography, I Had a Hammer, was published in 1990, and in 1997, a new minor league baseball stadium in his hometown was named in his honor.

Since retiring from playing, he has been an eloquent ambassador for baseball and sports in general, and has been an outspoken leader on the issue of minority hiring in baseball executive jobs. In the business world, Aaron developed a number of auto dealerships and still owns Hank Aaron Toyota. He is a longtime Church's and Popeye's restaurant franchisee and also operates Krispy Kreme franchises in Atlanta and Columbus, Georgia.

Aaron sits on the board of Retail Ventures, Inc., Medallion Financial Corporation, Atlanta Technical Institute, the Atlanta Braves, and Atlanta Falcons. He is a member of the Board of Governors for Boys and Girls Clubs of America and is a member of the Board of Councilors of the Carter Center. With his wife Billye, he is the founder of the Hank Aaron Chasing the Dream Foundation. Aaron has received numerous civic awards, including the Medal of Freedom, awarded by President George W. Bush, and the Presidential Citizens Medal, awarded by President Bill Clinton.

Throughout his life, Hank Aaron has been an outstanding role model for both children and adults alike. Madam Speaker, I ask my colleagues to join with me in congratulating him on this remarkable achievement and extending thanks for his many efforts over the years on behalf of the citizens of the First Congressional District and the state of Alabama.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE PAUL E. GILLMOR, A REPRESENTATIVE OF THE STATE OF OHIO

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to honor my friend and colleague, the Honorable PAUL GILLMOR.

Throughout his life PAUL was a dedicated servant for the people of his home state of Ohio and his country. He proudly served in the United States Air Force, attaining the rank of Captain.

In 1967 PAUL began what would become a long and successful political career. He served 22 years in the Ohio State Senate, and he served as Republican leader five times. A classmate of mine, in 1989 he began the first of 10 terms in the U.S. House of Representatives serving the people of the 5th District in Ohio. PAUL was the senior member of the Committee on Financial Services and the Ranking Republican on the Financial Institutions Subcommittee. He also served as a member of the Subcommittees on Capital Markets and Housing. PAUL had a lot of responsibilities in serving the second largest district in Ohio, but he did so valiantly and with tremendous success, showing that he was a true leader. He served eight terms as a member of the Republican Whip Team, including serving as Deputy Minority Whip. PAUL was also unanimously elected to serve as Vice President of the NATO Parliamentary Assembly. His ability to lead earned PAUL great respect amongst his colleagues and his constituents.

His length and success of service was evidence of how he truly listened to his constituents and did all that he could to help them. He was the consummate professional—always putting the best interests of his constituents and his country ahead of partisanship by being willing to work across party lines to successfully achieve goals.

PAUL was a soldier, a state senator, and a congressman, but the roles he cherished most were that of husband and father. Few things meant more to PAUL than his constituency, but his family definitely ranked number one in his life. PAUL's five children were his pride and joy. His happiest times were spent with his wife and children.

My deepest heartfelt condolences go out to PAUL's wife Karen and his children Linda, Julie, Paul Michael, Connor, and Adam. My thoughts and prayers and those of my wife Dede are with them at this difficult time, and we thank them for sharing PAUL with us for so many years. He was a wonderful friend and colleague and will be sorely missed.

IN MEMORY OF THE HONORABLE JENNIFER DUNN, 1941–2007

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SESSIONS. Madam Speaker, I rise today to join my fellow colleagues in mourning the passing of the Honorable Jennifer Dunn. My friend and an honorable representative for the people of the 8th district of Washington passed away on Wednesday. I was greatly saddened when I was told the terrible news of her passing. This Chamber, and the State of Washington has lost a friend and one of our most capable and dedicated former Members.

Words cannot fully express the sorrow that is felt by those who have known and loved Jennifer. My heart goes out to Jennifer's husband, Keith Thomson, her two sons, Bryant and Reagan Dunn, her stepson, Angus Thomson, and her two grandchildren during this difficult time. I will be keeping her memory and her surviving family in my thoughts and prayers. I pray for her former Washington, DC, and Washington State congressional staffers who served her and the people of the 8th Congressional District of Washington.

Congresswoman Dunn was a highly-respected Member of Congress, dutifully serving six terms before she retired in 2005. She achieved an inspiring career of many firsts: first woman to chair the Washington State Republican party; first freshman woman to win a place in the House Republican leadership team; and the highest ranking Republican woman in leadership as the vice chair of the conference. More than anything, Jennifer will be remembered for her generosity and compassion for others. She is leaving us for a better place, but leaves behind a lasting legacy of service to this House. Words cannot fully express my sorrow in her passing. God Bless.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on Saturday, August 4, when I was tending to a family commitment, for which the timing was not flexible.

Had I voted, I would have voted "nay" on rollcall No. 824; "yes" on rollcall No. 825; "yes" on rollcall No. 826; "yes" on rollcall No. 827; "yes" on rollcall No. 828; "yes" on rollcall No. 829; "yes" on rollcall No. 830; "nay" on rollcall No. 831; "yes" on rollcall No. 832; "yes" on rollcall No. 833; "nay" on rollcall No. 834; "yes" on rollcall No. 835; "nay" on rollcall No. 836; "yes" on rollcall No. 837; "nay" on rollcall No. 838; "no" on rollcall No. 839; "nay" on rollcall No. 840; "nay" on rollcall No. 841; "nay" on rollcall No. 842; "nay" on rollcall No. 843; "nay" on rollcall No. 844; "nay" on rollcall No. 845; and "yes" on rollcall No. 846.

CONGRATULATING LEAH RAWLS ATKINS ON HER INDUCTION INTO THE ALABAMA ACADEMY OF HONOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Leah Rawls Atkins on the occasion of her induction into the Alabama Academy of Honor.

A student of history, Mrs. Atkins has cemented her own place in the history books of the great State of Alabama. A woman of firsts—she was the first woman inducted into the Alabama Sports Hall of Fame and the first recipient of a Ph.D. awarded by Auburn University.

Created in 1965, the Alabama Academy of Honor was created to recognize living Alabamians for their accomplishments and service that greatly benefits or reflects credit on the State of Alabama. Ten members may be elected annually by the Academy of Honor with no greater than 100 living members at a time.

Madam Speaker, the following tribute was presented to Leah Rawls Atkins at her ceremony of induction into the Academy in 2007. With your permission, I would like to add this tribute to the CONGRESSIONAL RECORD.

LEAH RAWLS ATKINS

Leah Rawls Atkins has spent her life teaching and writing about American and

Alabama history. She was born in Birmingham, growing up in a family compound of four houses that included the homes of her grandparents and great-grandparents near Oak Hill Cemetery. World War II was the formative event of her childhood and kindled her love of history, her country, and her state.

In high school and college, she was a competitive water skier. In 1953 she won both the U.S. Women's Overall National Championship and the Women's Overall World Championship. She was the first woman senior judge of the American Water Ski Association, and the first woman AWSA board member. In 1976, she was the first woman inducted into the Alabama Sports Hall of Fame.

Atkins holds three degrees from Auburn University, receiving her doctorate in history in 1974, the first time a Ph.D. in history was awarded at AU. She taught history at Auburn, briefly at the University of Alabama at Birmingham, and at Samford University, where in 1984 she became the founding director of the Samford London Study Centre. The next year she became the founding director of the Auburn University Center for the Arts and Humanities (now the Caroline Marshall Draughon Center), which she directed for a decade, bringing university scholars and citizens together to explore the ideas and experiences that inform the human condition, connecting the local to the universal, and providing an opportunity for learning and dialogue.

Atkins is a longtime member, former president, and for 15 years served as secretary of the Alabama Historical Association.

She was a founding board member of the Friends of the Alabama Archives, the editor of the Friends' first newsletter, and is on the board of the Alabama Archives and History Foundation. She has published many articles and books on Alabama history, including a study of the admission of women to Auburn University and the University of Alabama, a history of Birmingham and Jefferson County, and a biography of builder John M. Harbert III. She is also author of a corporate history of Brasfield & Gorrie and, most recently, of a history of Alabama Power Company which won the 2007 James Sulzby Book Award for the best book on Alabama history. She is a co-author of the Pulitzer Prize-nominated Alabama: History of a Deep South State, which also won the Sulzby Award.

She and her husband, George, have been married for 54 years and have four children and 13 grandchildren.

Leah Atkins is an outstanding example of the quality individuals who have devoted their lives to education. Madam Speaker, I ask my colleagues to join with me in congratulating her on this remarkable achievement. I know her husband, George, her family, and many friends join with me in praising her accomplishments and extending thanks for her many efforts over the years on behalf of the State of Alabama.

PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. MITCHELL. Madam Speaker, on rollcall vote 856, the Westmoreland amendment to H.R. 2786, please accept my apologies as I was unavoidably detained and was not able to cast my vote in the allotted time. It was my intention to vote "yes" on this amendment.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE AIR NATIONAL GUARD BASE AT McGHEE TYSON AIRPORT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor a piece of history in the Second District of Tennessee.

For the past 50 years, as people flew into my district, they weren't just landing in Knoxville but also touching down at a historic Tennessee Air National Guard Base.

Military planes taking off from that runway have been a part of some of the noblest causes of modern times, from the Berlin Air Lift to Operation Enduring Freedom.

It's a history of service that exemplifies the spirit that gave Tennessee the nickname of the Volunteer State, and once again the Knoxville community is at the forefront of that service.

The base is now celebrating 50 years of operations, and it is currently the proud home of the 134th Refueling Wing, as well as the 228th Combat Communications Squadron, the 119th Command and Control Squadron, the I.G. Brown Training and Education Center, the Academy of Innovative Ministries, and the 572nd Air Force Band.

It's not just the longevity of the base that is so remarkable, but also the quality of the men and women who serve there. The 134th has been consistently ranked nationally for its superb performance.

I would like to congratulate the nearly 2,000 full-time military and civilian personnel at the base and the many thousands more who pass through the facility each year for training. Their professionalism makes us proud.

Madam Speaker, in closing, I urge my colleagues to join me as I salute the 50th anniversary of the Air National Guard Base at McGhee Tyson Airport in Blount County, Tennessee. I know the facility and the men and women who operate it will play an important part in protecting our Nation for decades to come.

A TRIBUTE TO ST. ROBERT BELLARMINE CATHOLIC CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to St. Robert Bellarmine Church upon the celebration of its 100th anniversary.

The church was founded as Holy Trinity Parish in 1907 by Father Edward Wright. In 1939, the church was remodeled and given its present name. The choice of 17th century Italian cardinal St. Robert Bellarmine as patron saint reflects the church's modern-day identity as a spiritual, educational and charitable institution. St. Robert Bellarmine embodied an ideal blend of spirituality, intellect, public service and charity. He would certainly be proud of Burbank's St. Robert Bellarmine Church, which throughout its 100 years has demonstrated a passionate commitment to these same ideals.

Today, St. Robert Bellarmine Catholic Church serves the spiritual, educational, and charitable needs of its community. Its elementary school, as well as Bellarmine Jefferson High School, offers a Christ-centered learning environment with a challenging curriculum that educates students both academically and morally, preparing them for a lifetime of service to both God and their communities.

In addition, St. Robert Bellarmine sponsors and facilitates service-oriented groups that serve the homeless, the sick, and others in need in the Burbank community and beyond by actively engaging in food drives and raising charitable funds. Many leaders of St. Robert Bellarmine have used their leadership as a means for serving the community. Monsignor Martin Cody Keating, for example, served the church for 37 years after his work as an Army chaplain in World War I. During his priesthood, he worked as an advocate for labor and war veterans' issues. The current Priests and staff continue this legacy of public service today.

I ask all Members to join me today in honoring St. Robert Bellarmine Church upon the celebration of its 100th anniversary. The entire community joins me in thanking the parishioners of St. Robert Bellarmine Church for their religious, educational, and charitable contributions to California's 29th Congressional District.

CONGRATULATING JAMES I. HARRISON JR. ON HIS INDUCTION INTO THE ALABAMA ACADEMY OF HONOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor James I. Harrison Jr., on the occasion of his induction into the Alabama Academy of Honor.

Jimmy Harrison is one of the most influential men in the drug store business not only in Alabama but throughout the United States. He was a star on both the basketball court and on the baseball field at the University of Alabama, but he is an even better businessman and pharmacist. His success in the board room is only exceeded by his generosity and charitable spirit. His lifetime of service to his community and support of education have added in an immeasurable way to the well-being of our state.

Created in 1965, the Alabama Academy of Honor was created to recognize living Alabamians for their accomplishments and service that greatly benefits or reflects credit on the state of Alabama. Ten members may be elected annually by the Academy of Honor with no greater than 100 living members at a time.

Madam Speaker, the following tribute was presented to James I. Harrison at his ceremony of induction into the Academy in 2007. With your permission, I would like to add this tribute to the CONGRESSIONAL RECORD.

JAMES I. HARRISON JR.

James I. Harrison, Jr., was born in Tuscaloosa on July 11, 1932. He attended St. John's Parochial School in Tuscaloosa and was one of the four graduates of the school's last

class in 1949. After a post-graduate year at Chattanooga's Baylor School, he entered the University of Alabama where he played basketball and baseball. After two years, he transferred to Howard College (now Samford University) and graduated with honors from the School of Pharmacy.

His parents had purchased Central Drug Store in downtown Tuscaloosa and turned it into a success. When Harrison graduated from college, his father purchased another struggling drug store near the University of Alabama. Druid Drug became successful and famous as the favorite coffee hangout of Coach Bear Bryant and his staff. Three more Tuscaloosa stores were added over the next several years. In 1967, Harco, Inc., was founded. Harco, Inc., would eventually operate 153 Harco Drug stores, 55 Carport Auto Parts stores, and 7 Harco Totalcare (home healthcare) stores. The company was sold in 1997 to Rite Aid.

During Harrison's years as CEO of Harco, he served as chairman of the National Association of Chain Drug Stores, Affiliated Drug Stores, and the Southern Drug Store Association. Harco and Harrison received many national business and pharmacy industry honors and awards.

Harrison's charitable spirit and support of education have dynamically impacted his community and state. He established the James I. Harrison School of Pharmacy, Auburn University; the Harrison Center for Academic Excellence, Judson College; the James I. Harrison Family Endowed Teaching Excellence Faculty Fellow, University of Alabama; and the Caritas Community Service Award, University of Alabama. Harrison is a member and past chairman of the UA President's Cabinet. He is a founding member of Success by Six Educational Initiative in Tuscaloosa County; a founding member and first president of the Alexis de Tocqueville Society chapter supporting United Way of West Alabama; and a member of the Mayor's Pre-K Advisory Board, Tuscaloosa. He is a patron to Children's Hands-on Museum and to the UA Rural Infant Stimulation Environmental Center.

He holds honorary doctorates from the University of Alabama and Judson College, is in several business and civic halls of fame, and serves on many corporate and civic boards. Harrison and his wife, Peggy, have five children and fifteen grandchildren.

Madam Speaker, I would like to offer my congratulations to James I. Harrison, Jr. for his many personal and professional achievements and offer a heartfelt "thank you" for a job well done. I know his wife, Peggy, his family, and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years for the State of Alabama.

THE GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2007

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 4, 2007

Mr. WELCH of Vermont. Mr. Speaker, I would like to thank my colleagues on the Science & Technology Committee for their efforts in bringing H.R. 2850, the Green Chemistry Research and Development Act of 2007 to the House floor. This legislation is important and very necessary.

"Green chemistry and engineering" is the term used to describe the environmentally conscious design of chemical products and processes that are made safer to human health and the environment by reducing or eliminating the use or creation of hazardous and harmful substances.

Like many Americans, I am dedicated to reducing the causes and effects of global warming. Many of the solutions to global warming and other serious environmental problems need to be addressed at the molecular design level. This legislation does just that. It provides a path forward so that our chemists and engineers are able to conduct their work and research in an environmentally friendly manner.

This bill is also in alignment with the innovations legislation that was signed into law in August. It will help to sustain the United States' position as a global leader in the science and engineering fields and promote our ability to compete with other nations. The National Academies report, "Rising Above the Gathering Storm", commissioned by the House Science & Technology Committee, points out the growing concern for America's ability to compete in today's global economy. H.R. 2850 supports innovation by:

Authorizing funding for green chemistry and engineering research;

Investing in young researchers;

Fostering collaborative R&D partnerships among our universities, industry, and nonprofit organizations;

Promoting education and training of undergraduate and graduate students, as well as professional chemists and chemical engineers;

Recognizing the value of the Manufacturing Extension Partnerships in the adoption of green chemistry and engineering innovations; and

Providing for much needed science research to identify barriers to commercialization of safer chemistry and engineering practices.

This legislation is supported by my constituents who are members of the Green Mountain American Chemical Society. This organization includes members from Vermont's universities and colleges, and from Vermont industries, such as IBM, BF Goodrich, Seventh Generation, and Biotek. Other supporters of H.R. 2850 include Vermont's Manufacturing Extension Partnerships and the Vermont Technology Council.

Vermont's business community is advocating "green chemistry and engineering" research. Vermont-based Seventh Generation Inc. is a leading nationwide distributor of environmentally sensitive household soaps, detergents, paper products and diapers. According to Jeff Hollender and Martin Wolfe at Seventh Generation, on the face of it, green chemistry is pretty basic: find ways to make non-toxic or less harmful chemical alternatives from non-toxic or less harmful raw materials using processes that don't create pollution, and manufacture goods using less water, energy, and other natural resources. While the concept is simple, the reality is far from it. However, instead of representing failure, the current lack of alternatives just means that a lot of work still needs to be done.

Educators in Vermont are also supportive of increasing resources for green chemistry research. Dr. Daniel Savin of the University of Vermont is doing critical green chemistry research on the development and use of biodegradable plastics that are derived from renewable biomass resources as an alternative to the traditional petroleum-based plastics, whose production results in harmful greenhouse gas emissions. Dr. Savin is investigating the extraction of the feedstock for a new plastics material from whey-protein, a natural byproduct of Vermont's very important cheese production. These plastics could be used in pest control applications, weed suppression, and water retention; reducing the use of harmful chemicals and the depletion of natural resources. This is just one example of the value of investing in green chemistry and engineering research.

H.R. 2850 represents an important investment in green chemistry and engineering research and education. I am pleased to support its passage and urge my colleagues to support this legislation.

TRIBUTE TO SPECIALIST ERIC M. HOLKE, CALIFORNIA NATIONAL GUARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, California National Guardsman Eric Holke. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Eric grew up in Riverside and Crestline, California. He graduated from Rim of the World High School in 1995 and was interested in working with children. Before Eric was deployed in December, he worked with autistic children and was attending college in hopes of becoming a teacher. Specialist Holke had a strong sense of duty: he had served two tours previously, one in Iraq and one in Afghanistan. During his tour in Iraq he was injured but dedicated himself to getting better so that he could reenlist, which he did. Specialist Holke was called up in December 2006 and on July 15, 2007 he was killed in action in Iraq.

In reading about Eric's life, I was impressed by his devotion to family, friends and children. He is survived by his wife Cassidhe and son Steven. Our community has lost a great man and Cassidhe and Steven have lost a wonderful husband and father.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Eric, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Holke family had to lay Eric to rest was probably the hardest moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Specialist Holke's wife, son, relatives and friends have given a part of themselves in the loss of their loved one and I hope they know that Specialist Holke, the goodness he brought to this world and the sacrifice he has made, will be remembered.

TRIBUTE TO TERRY FRIDAY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to the life of Mr. Terry Friday and to express my deepest sympathy to his family on his passing on September 1, 2007.

Terry Friday was born on December 26, 1950, in Columbia, South Carolina to Joseph C. and Leola Lee Friday. A child prodigy, his musical genius became evident during his early years, and his family began to expose him to the world of music.

At the age of 6, he began his formal music training under his first piano teacher, Mrs. Margaret Thornton, who nurtured his love for music and encouraged what would become Terry's lifelong passion, sharing his musical gift with others. As he progressed through the Columbia public schools, other nurturing music teachers included Mrs. Haggler at Roosevelt Village Elementary School, Mrs. Barbara Bailey, and Mrs. Edna Pough, all of whom had a profound influence on his early training.

Terry excelled in almost all instruments, not only piano and organ. His special gift allowed him to play the flute, clarinet, French horn, drums, bells, and saxophone. His musical repertoire spanned the full range of music—classical, jazz, religious, hymns, spirituals and anthems, and contemporary gospel music.

Mr. Friday graduated from Booker T. Washington High School in 1969, where he was a member of the Marching 100 school band under the direction of the late Mr. ''Pop'' June. He continued his education at the University of South Carolina where he received his Bachelor of Arts (1973) and Master's (1979) degrees in Music.

During his high school years, Terry began his Church music ministry at Friendship African Methodist Episcopal Church, a church founded by his grandparents. He later served the Union Baptist Church of Columbia. In 1970, at only 20 years old, he became the organist at Ridgewood Missionary Baptist Church, where he served until 1989. It was during his tenure that the Ridgewood choir earned a national reputation for musical excellence.

In 1989, Mr. Friday was called to Washington, DC as the minister of music at the historic Metropolitan African Methodist Episcopal Church, the national cathedral of the AME church. During his tenure at Metropolitan, he served as musician/director at many prestigious events and ceremonies, most notably the Inaugural Prayer Services for President William Jefferson Clinton in 1993 and 1997 respectively.

In September of 1998, Terry was named Minister of Music at the Nineteenth Street Baptist Church of Washington, the oldest African American Baptist congregation in the nation's capital. Highly sought after by churches and choral groups, one of Terry's crowning achievements was playing the organ at the Washington National Cathedral.

Mr. Friday leaves behind legions of choirs, orchestras, and ensembles, all of whom benefited from his musical genius. One of his greatest joys was to feel the response of great choirs, as he accompanied them on the organ. On Saturday, September 7, friends and colleagues from across the country will gather at the Union Baptist Church in Columbia, South Carolina for funeral services and to celebrate the life of this great musician.

Madam Speaker, please join me in honoring the life and legacy of Mr. Terry Friday, and I offer my deepest condolences to his family and friends.

CONGRATULATIONS TO JOANN DIGENNARO, PRESIDENT, CENTER FOR EXCELLENCE IN EDUCATION, FOR BEING HONORED BY THE GOVERNMENT OF BULGARIA AND THE ST. CYRIL AND ST. METHODIUS INTERNATIONAL FOUNDATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize and celebrate the honor that was bestowed by the Government of Bulgaria and the St. Cyril and St. Methodius International Foundation to Joann DiGennaro, President of the Center for Excellence in Education.

Founded in 1983 and located in McLean, Virginia, the mission of the Center for Excellence in Education is to nurture young scholars to careers in excellence and leadership in science and technology and to encourage international collaborations in the global community. The Center has a 23-year record of achievement in identifying and motivating future leaders in science and technology. All programs provided by the Center are free of cost to participating students.

As co-chair of the Bulgaria Caucus, I would like to congratulate Joann on her philanthropic and educational work benefiting the United States and Bulgaria. Joann's leadership as President of the Center for Excellence in Education has allowed her to secure donations of educational and medical equipment in Bulgaria. She has been pivotal in creating a stronger relationship between the U.S. and Bulgaria. Her hard work should be commended as Bulgaria continues to strengthen its democracy. America is a grateful partner with Bulgaria in NATO, and this year we celebrate Bulgaria's admission to the European Union.

I want to wish Mrs. DiGennaro best wishes and good fortune in her future projects.

HONORING THE LIFE OF STAFF SERGEANT JASON M. BUTKUS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor the life of Staff Sergeant Jason M. Butkus 34, of New Jersey, who died in Bagdad, Iraq, in support of Operation Iraqi Freedom on August 30, 2007. Staff Sergeant Butkus died of injuries sustained when his mounted patrol was struck by a rocket-propelled grenade.

Staff Sergeant Butkus was assigned to A company, 1st Battalion, 28th Infantry Regiment, 1st Infantry Division, Fort Riley, Kansas. He enlisted in the army in 1995 and completed basic training at Fort Benning, Georgia. Prior to enlisting in our Nation's armed forces, Staff Sergeant Butkus graduated from West Milford High School in West Milford, New Jersey, where he was a scholar-athlete and member of the wrestling and track teams.

Staff Sergeant Butkus's 12-year military career took him to Fort Bragg, North Carolina, where he served with the 82nd Airborne Division, and to Alaska and South Korea. Among his many assignments over the years, Butkus served as an instructor at the U.S. Army Training Center at Fort Jackson, South Carolina. Additionally, Staff Sergeant Butkus was commended on two separate occasions for his leadership as a noncommissioned officer.

Staff Sergeant Jason M. Butkus dedicated his life to protecting and ensuring our Nation's freedom. He served his country, his community, and his fellow soldiers with the determination, integrity, and courage that is exemplary of a true soldier. He demonstrated his courage on the battlefield while fighting for democracy abroad. His service is a shining example for future soldiers.

Staff Sergeant Jason M. Butkus is survived by a loving mother, father, and a 9-year-old son, Connor. Madam Speaker, I urge my colleagues to join me in honoring the life of Staff Sergeant Jason M. Butkus.

HONORING THE MEMORY OF DANIEL BAUGH BREWSTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the memory of Daniel Baugh Brewster, a former U.S. Representative and U.S. Senator from Maryland.

Daniel Brewster was born in Baltimore County, Maryland on November 23, 1923. He attended Gilman School in Baltimore, Maryland and St. Paul School in Concord, New Hampshire.

Mr. Brewster attended Princeton University before enlisting in the Marine Corps in 1942. At the age of 19, he commanded troops in the South Pacific as a lieutenant with the 4th Marine Regiment of the 6th Marine Division. Mr. Brewster led assault waves on Guam in 1944 and on Sugar Loaf Mountain in Okinawa in 1945. He was wounded seven times during the assaults, and was awarded a Purple Heart, two Gold Stars and two Bronze Stars.

He attended school both day and night at the Johns Hopkins University to earn enough credits to enroll in the University of Maryland School of Law. He graduated in 1949 by supplementing his course work with night classes at George Washington University's Law School. Shortly thereafter, he then formed a law practice with John Grason Turnbull, then majority leader of the Maryland Senate. He was elected to a countywide Maryland House of Delegates seat representing Baltimore County, Maryland in 1950, at age 26, and served two terms.

In 1958, Mr. Brewster was elected to Congress from Maryland's 2nd District, which then

encompassed Harford, Carroll and Baltimore Counties. He served two terms in the House of Representatives.

Mr. Brewster was elected to the U.S. Senate in 1962 at age 39. He was the sole sponsor of legislation that created the Assateague Island National Seashore in Maryland and Virginia in 1963. In 1964, he was the stand-in candidate for President Lyndon B. Johnson when Alabama Governor George C. Wallace, a segregationist, ran in Maryland's Democratic presidential primary, a test battle amid the debate over the Civil Rights Act of 1964.

Madam Speaker, I ask that you join with me today to honor the memory of Daniel Baugh Brewster. He was a true American patriot who throughout his life went above and beyond the call of duty in his service to Maryland and the United States of America.

CELEBRATING FRUIT GROWERS SUPPLY COMPANY CENTENNIAL

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. NUNES. Madam Speaker. I rise today to honor and congratulate Fruit Growers Supply Company as it celebrates its 100th anniversary.

Fruit Growers Supply Company was born out of adversity. Organized in 1907 by the members of the Southern California Fruit Growers Exchange (now known as Sunkist Growers) it owes its beginnings to the infamous 1906 San Francisco earthquake and fire. Following that disaster, the demand for lumber for rebuilding increased dramatically—and lumber used (or citrus crates became very scarce and very expensive. The Exchange members formed a separate cooperative, Fruit Growers Supply, to assure the availability of the materials needed to grow, harvest, package and ship it member's citrus.

FGS worked with small lumber companies to obtain boxes at a reasonable cost. As citrus production increased, Fruit Growers continued to expand, purchasing additional timberlands in Northern California. While FGS no longer owns any sawmills, it still is one of the largest private landowners in California, with additional recently acquired holdings in Oregon and Washington.

In 1916, to meet the growing needs of its members, FGS opened its first Operations Center in Porterville to warehouse supplies needed for the citrus industry. Today, FGS has six Operations Centers throughout the growing regions of California and Arizona available to serve its grower and packer members.

In the early 1950s the citrus industry began replacing the standard wooden box with fiberboard cartons. In 1961, FGS built its first carton plant to assure its members of a lower cost, higher quality container in which to ship their Sunkist citrus. Today, FGS' highly efficient corrugated manufacturing plant in Ontario, California produces millions of cartons, not only for Sunkist citrus, but for other agricultural producers as well.

FGS' member support continues to expand as needs change. When citrus growers needed efficient water delivery systems, they turned to FGS to design the systems and provide technical support. FGS now is one of the irrigation leaders in agriculture.

FGS also owns a manufacturing facility through a subsidiary, United Wholesale Lumber Company, in Visalia, California. United is one of the largest suppliers of pallets to the West Coast shipping industry. In 2002, FGS acquired a group which provides wax and related equipment and services to the agricultural industry. Renamed FGS Packing Services, the groups business grew 50 percent in its first 3 years with FGS.

Fruit Growers' proud heritage and ongoing efforts to best serve the needs of its members, and the agricultural community, stand it in good stead for its next 100 years.

I ask all members to join me in honoring Fruit Growers Supply Company upon the celebration of its centennial and in commending Fruit Growers for its past and present commitment to providing services and support to the agricultural community.

EXPRESSING SYMPATHY AND PLEDGING SUPPORT FOR VICTIMS OF SEVERE FLOODING IN EASTERN KANSAS

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2007

Mrs. BOYDA of Kansas. Madam Speaker, on June 26th, rains began to fall in eastern Kansas, and they barely paused for the next 3 days. Storms dumped as much as 21 inches of rain in some places, triggering floods that washed over dozens of counties.

When the rains finally stopped, I joined Mr. MOORE, Mr. TIAHRT, Mr. MORAN, and our governor, Kathleen Sebelius, to tour the flood-damaged regions. We saw heartbreaking sights: homes covered in water, streets rendered inaccessible by floods, and the populations of whole towns camping in middle schools. We also saw countless acts of kindness, from the very large to the very small. Friends and neighbors gave generously of their time, their shelter, their food, and their hearts. As devastating as the floods were, they brought out the very best in Kansans.

I'm pleased that the House is pausing today to reflect upon what we've lost and to honor the hard work of rebuilding Kansas. Votes such as this are sometimes called "symbolic," but that is not the same thing as "meaningless." To the Americans who have heard little news from Kansas since the flood waters receded, this vote serves as notice that we're rebuilding, stronger than ever before. And to the thousands of Kansans who lost everything, it is a show of support from their community and their country.

Today, 2 months after the rain stopped, eastern Kansas is well on its way to recovery. For that, we owe our deepest thanks to our friends and neighbors, to the emergency personnel who worked so tirelessly for so long, and to FEMA for its helping hand. You've shown us how to meet a disaster with courage and compassion, and you've shown America the very best of Kansas.

PAYING TRIBUTE TO CPL. JUAN ALCÁNTARA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take a moment to remember all of our military men and women who died in the line of service during this recess period. Men like Cpl. Juan Alcántara, who died on August 6, 2007, in Baqubah, Iraq, in support of Operation Iraqi Freedom.

According to Department of Defense reports, Corporal Alcántara died of injuries sustained when an improvised explosive device detonated near his dismounted patrol. This news was especially heart wrenching for me because Cpl. Alcántara was assigned to the 2nd Infantry Division out of Fort Lewis, Washington, the same infantry division that I served in during the Korean War.

This fallen hero moved to the United States from the Dominican Republic at the age of 5 and graduated from Edward Reynolds West Side High School in my district. Like many soldiers who are fighting in Iraq, he enlisted in the Army with the hopes of one day being able to earn enough money to attend college and to secure the military's lucrative post-service benefits. He dreamed of obtaining 60 college credits to become a police academy cadet and following the footsteps of his sisters, Cathy and Ferdelinda Pena, by joining the NYPD.

My District, like many communities in this country, have seen too many of their best and brightest come home in body bags. Young Americans searching for opportunity to get a college education, decent health care, and/or own a home are increasingly having to make the choice to stare into the barrel of a gun or dodge a roadside bomb in order to have their fair shot at the American Dream.

Because this young warrior's service was extended as part of the president's new "surge" strategy, he asked the Army if he could come home to New York to see his daughter, who was born on June 29, 2007. His request was denied and his life tragically came to an end, never being able to feel the warmth of his newborn baby girl, Jayleni Alcántara. She will hear the heroic tales of her father but she will never experience his smile, affection, and the sanctuary of a fatherly hug.

In the eyes of some, Cpl. Alcántara's selflessness and willingness to make the ultimate sacrifice for this Nation is made even more remarkable when one considers that he was not even an American citizen. However, it should be no surprise that immigrant soldiers defend their newly established homeland with the same vigor as American born citizens. I've lived in this country long enough to know that no birth certificate can ever determine how deeply one loves this country. It only saddens me that he died never having realized so many dreams, including the one of taking the oath to our Constitution. Yet I am proud to call him a constituent and now that he has been awarded citizenship posthumously, a fellow American citizen.

Gen. MacArthur once said, "The soldier above all others pray for peace, for it is the soldier who must suffer and bear the deepest wounds and scars of war." Let us all hope that

his death was not in vain and that it moves our forces one step closer to home and to peace in the Middle East.

We may disagree with the wars that are being waged by our Commander in Chief, but that should never negate the courage of our Nation's immigrants who have answered the call to duty and have made the ultimate sacrifice.

CELEBRATING THE LIFE OF FIRST LIEUTENANT GEORGE WESLEY HOFSESS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. HONDA. Madam Speaker, I rise today to honor the life and memory of First Lieutenant George Wesley Hofsess, who recently passed away at his Ventura, CA home on July 21, 2007. Lieutenant Hofsess dedicated his life to his family and his country. His courage and his commitment to excellence were exemplary both at home and on duty.

Lieutenant Hofsess was born on August 5, 1915 in Partridge, Kansas where he grew up on a small farm. He attended Kansas State University where he met the love of his life, Frances Ann Esmond. They were happily married on June 8, 1940. Upon graduating from Kansas State University, Lieutenant Hofsess decided to dedicate his life to the service, enlisting in the U.S. Army Air Force on May 28, 1942.

Lieutenant Hofsess was assigned to the 709th Bomb Squadron, 447th Bomb Group, as a pilot of a B–17 Bomber, Plane 1091. He was stationed in England during World War II and served valiantly there, flying 28 missions over Nazi-occupied Europe. For a time, Lieutenant Hofsess was reported missing in action over France.

Eventually, Mrs. Hofsess was notified by the Washington Provost Marshall General that Second Lieutenant George W. Hofsess was a prisoner of war in Nuremburg concentration camp #4274.

On December 28, 1944, Mrs. Hofsess received a letter from the War Department, stating that by direction of the President, the Air Medal and one Oak-leaf Cluster had been awarded to Second Lieutenant George W. Hofsess for "exceptionally meritorious achievement" and for displaying "courage, coolness and skill." As these awards could not be formally presented to Lieutenant Hofsess, they were presented to Mrs. Hofsess.

Lieutenant Hofsess earned his medals many times over. At the time his plane was shot down, he suffered burns to his face and hands while successfully evacuating his entire crew from the plane. During his imprisonment in the concentration camp, his older brother, Lieutenant Colonel Russell Hofsess, with the famous Seventh Army, began a tireless search for him.

Finally, just before Germany surrendered, Lieutenant Hofsess was found. He walked out of the prison camp and into the arms of his older brother.

First Lieutenant George W. Hofsess was Honorably Discharged from service on November 25, 1945. He lived the following years as a civilian, caring for his family and his friends.

On July 21, 2007, First Lieutenant George Wesley Hofsess peacefully passed at the age of 91. He is survived by his wife of 67 years, Frances Ann Hofsess; his daughter Anne Stamos and her husband Lucas of San Jose, CA; his daughter Julie Antal and her husband Tom of Minneapolis, MN; and his grandson, Grant Murray, of San Jose. Lieutenant Hofsess left a legacy of bravery and selflessness through his service to his country. Throughout his life, he fought to protect peace and freedom and was a loving husband and father. We are forever grateful for his service to this nation and the world. The contributions of First Lieutenant George W. Hofsess will not be forgotten and he will be sorely missed.

LIFELONG IMPROVEMENTS IN FOOD AND EXERCISE ACT (LIFE)

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. NORTON. Madam Speaker, today I introduce the Lifelong Improvements in Food and Exercise Act (LIFE), a national initiative to attack growing problems of overweight and obesity now found in Americans of every age, race, and major demographic group. The LIFE bill would provide $15 million in funding to the Centers for Disease Control (CDC) for a major effort to reverse increasingly sedentary lifestyles and diets that are high in fat and sugar.

I introduce the bill today because of the startling and steadily increasing rates of obesity among adults and children in the United States. Currently, 64.5 percent of adults, aged 20 years and older, are overweight and 32.2 percent of adults (over 66 million) are obese. According to the National Women's Health Information Center, 50 percent of women aged 20 to 74 are overweight or obese. Young people are no better off—the percentage of children who are overweight has more than doubled, and among adolescents the rates have tripled since 1980 increasing from 5 percent to 17.1 percent. The Centers for Disease Control (CDC) reports that Type 2 diabetes, considered an adult disease, is now widespread in children. The health care system is already paying the price, and the consequences to kids will follow them throughout their lives. These kids, ages 10 to 15, have a 80 percent chance of being overweight adults, with the health conditions that follow, such as high blood pressure, heart disease and cancer.

The LIFE bill directs the CDC to pursue obesity and sedentary lifestyles in three ways: train health professionals to recognize the signs of obesity early and educate people concerning healthful alternatives, such as proper nutrition and regular exercise; conduct public education campaigns to teach the public about how to recognize and address overweight and obesity; and develop intervention strategies to be used in everyday life in worksites and community settings. This important legislation is the minimum necessary to address this major health care crisis. Already, chronic diseases, many of which are caused or exacerbated by overweight or obesity, account for 70 percent of all deaths in the U.S., which is 1.7 million each year and 60 percent of U.S. medical care expenses yearly. According to the Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity, the cost of obesity in the United States in 2000 was more than $117 billion.

A focused national health initiative is necessary because unhealthy lifestyles have become a normal part of everyday life. Participation in high school physical education classes has dropped from 42 percent in 1991 to 33 percent in 2005, accounting at least for part of the reason that one-third of young people in grades 9–12 do not regularly engage in physical activities. National data show an increase in unhealthy eating habits for adults and no change in physical activity. Changes in nutrition are equally critical because 60 percent of young people consume too much fat, a factor in the doubling in the percentage of overweight youth.

I urge my colleagues to join with me in support of this important legislation to mobilize the country now before entirely preventable health conditions that begin in children overwhelm the nation's health care system.

TRIBUTE TO MASTER WAN KO YEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. LANTOS. Madam Speaker, one of the fundamental principles on which this Nation was founded is freedom of religion and respect for the religious beliefs of others. Religious tolerance and the freedom of religion for individuals to believe what they choose is one of the underlying concepts essential to our democratic system of government. Madam Speaker, it is in that spirit that I want to pay tribute to Master Wan Ko Yee, who has been recognized by world-renowned Buddhist masters as Dorje Chang Buddha III, the true incarnation of the primordial Buddha of the Buddhist faith in accordance with the rules of recognizing the incarnation in Buddhism.

Master Yee was born in Sichuan, China, and like many individuals over the last four centuries, has come to this land where there is greater opportunity and freedom to teach and practice his religion. As Master Yee said, "The American people are kind and noble. People can freely believe in religion in the United States, a country that is spiritually wealthy, powerful, and blessed."

I am pleased that he has found a new home in my own home state of California, where many Americans of diverse backgrounds have embraced principles of Buddhism, which include showing compassion toward others, benefiting others, being selfless, and striving for enlightenment and liberation.

Master Yee, who is recognized as His Holiness Wan Ko Yeshe Norbu, the Buddha Vajradhara Great Dharma King by the leaders of different sects of Buddhism in the world, has established a temple in San Francisco. Other similar places of worship for the benefit of believers have been established in other cities in California, New York, Washington, DC and abroad.

Master Yee not only is a widely recognized and admired Buddhist thinker and teacher, Madam Speaker, but he also is an artist whose work has been widely acknowledged and exhibited. His work includes a number of very different styles and media, including traditional Chinese calligraphy, traditional Chinese

painting, abstract painting, and a new style of art that is called Yun sculpture in which Master Yee has created beautiful colors and shapes.

In recognition of his artistic work, he has been named a ''Fellow'' by the Royal Academy of Art in the United Kingdom. His works of art have been displayed in a number of exhibits, including two recently here in Washington, DC at the Organization of American States and in the Gold Room of the Rayburn House Office Building, which was sponsored by our friend and colleague, DAVID DREIER of California. An exhibit of his Yun sculpture in San Francisco last year was widely attended, and his work has been exhibited in a number of other locations.

Madam Speaker, I invite my colleagues to join me in paying tribute to Master Wan Ko Yee, Dorje Chang Buddha III, a Buddhist leader of particular renown who has chosen to make his home here in the United States, and who is an outstanding artist, scholar, and religious thinker.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mrs. MCCARTHY of New York. Madam Speaker, on September 6, I was attending a funeral in my district and missed several votes. If present I would have voted on the following Rollcall votes, Rollcall No. 854, approving the Journal, ''aye''. Rollcall No. 855, H. Res. 633, ''Aye''. Rollcall No. 856, anti-Native Hawaiian amendment to H.R. 2786, ''Nay''. Rollcall No. 857, King of Iowa amendment to H.R. 2786, ''Nay''. Rollcall No. 858, Price of Georgia amendment to H.R. 2786, ''Nay''. Rollcall No. 859, final passage of H.R. 2786, ''Aye''.

HONORING THE 70TH ANNIVERSARY OF AUSTIN HIGH SCHOOL IN HOUSTON, TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor and celebrate Stephen F. Austin High School of Houston. This school, located in our district, opened in September of 1937, and for 70 years, it has held education and its students in the highest regard.

Austin High School focuses on the development of their students and the community surrounding them to attain full potential and academic achievement. The student body has grown to almost two thousand students, 99% of which are minority students. Through the use of their magnet program, Advanced Placement courses, Dual Credit Courses for college credit and many more avenues, approximately $1,000,000 in scholarship funding for the graduating seniors of 2007 has been secured. This is quite the accomplishment and deserves much recognition. The school's magnet program also deserves notice as it focuses on the teaching profession and prepares students for academic success in college and their future careers.

Another notable contribution to the community will be the unveiling of the Fallen Heroes Memorial honoring Austin High graduates who lost their lives in faithful service during WWII, the Korean War, and in Vietnam.

It is with great pleasure that I bring due attention to Austin High School, commend them on their accomplishments and challenge them to grow even further and continue their outstanding example in our community.

HONORING BUENA VISTA CARNEROS WINERY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Buena Vista Carneros on the 150th anniversary of the founding of this historic estate. Buena Vista Carneros was the first premium winery established in California, and 150 years later it remains one of the leading wineries in, the world's foremost wine producing region.

The estate was founded in 1857 by Hungarian Count Agoston Haraszthy after he was introduced to the Sonoma wines by General Mariano Guadalupe Vallejo. General Vallejo learned of his interest in winemaking when the Count first arrived in the Sonoma Valley, and after a tasting session the Count decided to remain in the region and plant his own vineyards. With the success of the winery, Count Haraszthy was commissioned by the California State Legislature to travel through Europe in order to gather the finest European cuttings to bring back to California. In total, the Count gathered more than 100,000 cuttings of 350 varietals for the nascent California wine industry. In 1969, in recognition both of his famous winery and his contribution to California viticulture, Congress recognized Count Haraszthy as 'The Father of Californian Winemaking'. Today, Buena Vista Winery and Vineyards is recognized as a California Registered Historic Landmark.

Buena Vista winery's storied history truly takes off with the acquisition of 700 acres in the Cameros appellation in 1969. This initial holding was quickly expanded to a total of 1,000 acres, and coincided with the rise to prominence of the Carneros region, built largely on a reputation for producing excellent cool-weather wines. Since that time, as Sonoma Valley has gained prominence as one of the world's premier wine regions, Carneros' fame has continued to rise. In 2005, Buena Vista winery was renamed Buena Vista Carneros to coincide with a replanting of its estate vineyards into small blocks arranged to best capture Carneros' subtle variations.

Madam Speaker, it is appropriate at this time that we acknowledge Buena Vista Carneros on the 150th anniversary of its founding. As California's first winery, Buena Vista Carneros is truly a testament to the enduring quality and character of California wine, and today it remains among the Sonoma Valley's finest wineries.

PAYING TRIBUTE TO ARTHUR MONETTI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Arthur Monetti, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal. On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Arthur served in the United States Army, Battery B 491st Anti-Aircraft Artillery Battalion. Arthur fought ground combat during the Battle of Normandy in Northern France, Rhineland. For his heroism and valor, Harry was awarded the American Service Medal, European African Middle Eastern Service Medal, Good Conduct Medal and the World War II Victory Medal.

Madam Speaker, I am proud to honor Arthur Monetti for his heroic service in the United States Army. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Arthur Monetti for his successes and I wish him the best in his future endeavors.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF WASCO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate the City of Wasco on the celebration of their 100th anniversary.

The birth of the town of Wasco dates back to 1897, when the Santa Fe Railroad laid tracks through the area. Soon after, over 300 families relocated there through the efforts of Marshall V. Hartranft, who secured land for resale to the settlers from the Kern County Land Company. This effort was known as the ''Fourth Home Extension Colony.'' Originally named ''Dewey,'' then ''Deweyville,'' Wasco was renamed by William Bonham, a settler from Wasco County in Oregon, and the town name was recorded by the Post Office in 1900.

In 1904 Delta-Shamrock School was born serving as a multi-purpose institution including a school, a civic center and a welcoming place for settlers who arrived in 1907. A few years later, a business district was born which included a depot, a general store, a post office, two saloons, a blacksmith shop and a hotel. Eventually, the school was renamed ''The Wasco School'' and, in 1919, it became the Wasco Unified School District.

In 1929, the Wasco Union High School Auditorium was completed. This architectural

gem was added to the National Register of Historic Places in 1997. The building, with its renaissance style architecture and aesthetic charm, still functions as a venue for educational, civic, and cultural purposes.

The City of Wasco has since flourished into a growing and vibrant community located in the heart of the most diversified agricultural region in the world. Wasco is nestled among blooming rose fields, almond and pistachio orchards, sugar beets, grapes, and white cotton fields among many other fruits and vegetables.

Wasco is also universally known as the Rose Capital of the Nation. Over 60 percent of all roses grown in the United States are grown in the Wasco area. Seven major rose companies grow more than 50 million plants in the North Kern County area. Rose companies were looking for a good climate, the right kind of soil, good land to lease, a desirable growing season, as well as an available labor force and water. Wasco has been home to many of these rose companies for over 50 years.

The history of this city further demonstrates that it is only by embracing the importance of community, cooperation and shared vision that such success can be achieved. I am honored to stand and shine a spotlight on the City of Wasco, as they celebrate a century of pride and progress.

STATEMENT HONORING THE LIFE OF FORMER TEXAS SOUTHERN UNIVERSITY PRESIDENT EVERETT O. BELL

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. AL GREEN of Texas. Madam Speaker, I rise to pay tribute to a wonderful man and the former president of Texas Southern University, Everett O. Bell. Mr. Bell passed away last Thursday after a lengthy illness and he will be deeply missed.

Everett Bell was born on September 23, 1918 in Kosciusko, Mississippi to Ebb Owens Bell and Allie Glee, as one of ten children. He quickly showed his dedication to serving his community and his country, attaining the rank of Captain during his service in the United States Army during World War II. After leaving the service, Mr. Bell returned to the University of Kansas to attain his Bachelor of Arts degree.

Mr. Bell first came to Texas Southern in 1948 as a registrar and assistant professor at my alma mater, Texas Southern's School of Law, later to become the Thurgood Marshall School of Law. This marked the beginning of 46 years of distinguished service to the university in various capacities. He served as director of personnel, acting dean of the School of Law, assistant to the president under seven different administrations, vice president for administrative affairs, and executive director for regent relations, among other positions. From 1979 to 1980, Mr. Bell served as Texas Southern's fifth president following the departure of President Granville Sawyer. He continued working at the school through 1994, when he retired after his extremely distinguished career.

Mr. Bell served Texas Southern University and the rest of his community admirably throughout the course of his life. In 1983, Texas Southern recognized his tireless service by naming the Student Services Building in his honor as Everett O. Bell Hall. He also served admirably in the Episcopal Church, where he served on the Diocese of Texas' Executive Board and Race Relations Board. Mr. Bell also demonstrated his commitment to his community by serving on the Board of St. Luke's Episcopal Hospital.

I would like to express my condolences to Everett Bell's family, friends and all those who will miss him dearly. I would also like to express my admiration for his lifelong dedicated service to his community and his country.

PERCY SUTTON POST OFFICE BUILDING

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to express my support for the resolution to name the post office at 365 West 125th Street in New York City as the ''Percy Sutton Post Office Building.''

A civil rights leader and businessman, Percy Sutton was a pre-eminent fixture of New York politics, serving as a member of the New York State Assembly and from 1966 through 1977 as Manhattan Borough President. Most of all, Percy Sutton was one of the architects of the effort to revive Upper Manhattan.

Percy Sutton once said, ''If you pray for only one thing, let it be for an idea.'' He was a man of innumerable ideas—many of them profoundly important for New York City and for the community he represented. He lived an astonishingly full life that included stints as a stunt pilot, military intelligence officer, lawyer, civil rights activist, politician, media baron and technology executive.

Most of all, Percy Sutton dared to dream the impossible. At a time when Harlem was crumbling, he believed that it could become a tourist attraction. When the famous Apollo Theatre closed, it threatened to become another vacant shell on a street of shuttered stores. He acquired the theater, in a move that is widely considered the first step to the renewal of 125th Street.

Percy Sutton had an important and lasting impact on the community surrounding the post office, and it is fitting to have a federal building named in his honor. I am proud to support H.R. 954.

RECOGNIZING THE 30TH ANNIVERSARY OF THE SOUTHWEST DIGEST

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. NEUGEBAUER. Madam Speaker, I congratulate the Southwest Digest for 30 years of service in the Lubbock community. Over the past 30 years, the Southwest Digest has provided the African American community of Lubbock with news and current events. The newspaper has strongly advocated for economic and community development and against drugs and violence. Its editors have also focused on the special needs of senior citizens, young people, and the poor in the community.

Eddie Richardson and T.J. Patterson cofounded the Southwest Digest in 1977. In addition to their work with the newspaper, both men have been active in serving the Lubbock community and state of Texas, and both also served their country in the U.S. armed forces.

After working with Texas State Representative Al Edwards for many years, Eddie Richardson was appointed by the governor as a commissioner on Texas' Juneteenth Cultural and Historical Commission. T.J. Patterson's career in education included teaching in Lubbock and serving as Assistant Dean at the Texas Tech College of Business. He was also a leader in local government, becoming the first African American elected to the Lubbock City Council in 1984. He was named Mayor Pro-Tem in 1990 and stepped down from the Lubbock City Council in 2004.

Under the leadership of Eddie Richardson and T.J. Patterson, the Southwest Digest has made many notable contributions to the Lubbock area. Some of these include participating in 85 marches against gangs, drugs and violence over the years. In 2002, the editors established the Southwest Digest Foundation to help support disadvantaged young people. Through the years, the Southwest Digest has continued to spread the message that drugs and crime should not be tolerated in the Lubbock community.

This newspaper has had a positive impact on Lubbock for the past 30 years. I congratulate the editors on their work and wish the Southwest Digest continued success for many years to come.

HONORING THE 30TH ANNIVERSARY OF BURKE CENTRE CONSERVANCY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to commemorate the 30th anniversary of the Burke Centre Conservancy, located in Fairfax County, Virginia.

The Burke Centre Conservancy is a home owners association representing 5,862 homes on 1,700 acres of land. A planned residential community, Burke Centre is comprised of single family homes, townhouses, condominiums, co-ops, duplexes and quad units. The variety of housing located in Burke Centre provides the Conservancy with unique and pressing challenges in ensuring a healthy quality of life for all of its residents.

Burke Centre is governed by an annually-elected board of trustees with seven volunteer members. The board acts to maintain community assets; address resident concerns; manage the financial assets of the corporation; execute the yearly budget; enforce Conservancy rules; administer community programs; encourage volunteer efforts; and to provide services to enhance a positive lifestyle within the Burke Centre community.

Significant accomplishments of the Burke Centre Conservancy include a community risk

management plan and stream bank instability study by the Board of Trustees; a $250,000 wetlands remediation project; and the establishment of a community parking district.

Burke Centre was also honored with the 2007 Best of Braddock Award for Neighborhood Enhancement and Beautification.

Madam Speaker, in closing, I commend and congratulate the Burke Centre Conservancy on 30 years of excellence. I call upon my colleagues to join me in applauding the Conservancy on its continued growth and success for many years to come.

PAYING TRIBUTE TO PATRICIA GRAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Patricia Gray for her unwavering dedication and service as Clerk of the U.S. Bankruptcy Court in Nevada.

Patricia has recently retired from the U.S. Bankruptcy Court after dutifully serving it for over 36 years. Patricia came to Las Vegas in 1968, moving with her family from her birthplace of Carlsbad, New Mexico. She graduated from Las Vegas High School in 1969.

In September of 1970, Patricia was appointed as a deputy clerk for the U.S. Bankruptcy Court. Her immense talents and indomitable work ethic were recognized and she rose quickly through the ranks, becoming the Chief Deputy Clerk in 1974. In 1979, Patricia was appointed as the Clerk of the U.S. Bankruptcy Court under the Bankruptcy Code for the District of Nevada.

During her 36 years with the court system, Patricia has actively served the judicial branch, serving on many committees in both the 9th Circuit and Administrative Office of U.S. Courts. She has served on the Local Rules Subcommittee for Bankruptcy Rules and as Chair of the 9th Circuit Bankruptcy Liaison Committee. Patricia is also a notable member of the Las Vegas community for her service as a member of the Board of Directors for the Clark County Chapter of the American Red Cross.

Patricia's enduring legacy is recognized by her peers in the U.S. Bankruptcy Court, where they describe her as being a great leader who has shown dedication and compassion for both the members of the court and for the public. Madam Speaker, I am proud to honor Patricia Gray. I wish her the greatest happiness in her retirement and I offer my sincere thanks for her many years of service.

IN HONOR OF SOUTH BAY STAND DOWN FOR HOMELESS VETERANS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. FARR. Madam Speaker, I rise today to express my appreciation and support for South Bay Stand Down For Homeless Veterans. From September 8th through September 10, 2007, the United States Department of Veterans Affairs is reaching out to homeless military veterans living in the South San Francisco Bay region.

Held in Santa Cruz County, South Bay Stand Down aims to reduce the many barriers faced by homeless veterans and to assist them with a wide variety of services. For three days, veterans will be able to access clothing, food, water, and shelter, and can interface with a wide variety of government and public service organizations. Veterans will have the ability to learn about benefits that they may be entitled to, and even access free legal assistance and health services.

I am truly inspired to see that the South Bay Stand Down for Homeless Veterans is a community effort. A diverse array of organizations have come together to ensure that the problem of homelessness among military veterans is properly addressed. Notable participants include the Veterans Transition Center, the County of Santa Cruz Veterans Services Office, Capitola Vet Center, Shelter Network, Not This Time Vets, Easter Seals, and the Red Cross.

Homeless veterans face incredible hurdles in areas of life that many people simply take for granted. Access to shelter, food, and employment are immeasurably more difficult to attain. With as many as 50,000 homeless veterans living in the state of California alone, it is imperative that the government and local communities reach out to assist those who have served our nation. The South Bay Stand Down accomplishes just that. I commend the participating veterans and organizations for their willingness to better the lives of our community members.

Madam Speaker, I wish to express my gratitude to the organizers of South Bay Stand Down and to all of the participating organizations. To the veterans who attend, I offer my most sincere appreciation for your service in the armed forces of our nation. I can think of no other group more deserving of community support and recognition than the men and women who served in the United States military.

HONORING THE 1966 TEXAS WESTERN NCAA CHAMPIONSHIP BASKETBALL TEAM ON THEIR INDUCTION INTO THE NAISMITH MEMORIAL BASKETBALL HALL OF FAME

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. REYES. Madam Speaker, I rise in honor of the Texas Western Miners, the 1966 NCAA championship basketball team that is being inducted into the Naismith Memorial Basketball Hall of Fame today. Texas Western College is now known as the University of Texas at El Paso (UTEP), and is in the district that I am honored to represent. The victory of the 1966 Texas Western team made a groundbreaking impact on diversity in sports and civil rights in America, and this team is only one of six to be enshrined forever as a legend of the basketball world.

Texas Western was coached by Don Haskins, ''the Bear,'' who has become an El Paso icon and legend and who was himself inducted into the Naismith Memorial Basketball Hall of Fame in 1997 as a coach.

The Texas Western team, a tight-knit group of blacks, whites, and one Hispanic, finished the 1965–66 regular season with a 23–1 record. The Miners then played their way to the NCAA championship game. On the night of March 19, 1966, in College Park, MD, history was made when Haskins started, for the first time ever, an all-black lineup in the final NCAA championship game against Adolph Rupp's No. 1-ranked Kentucky Wildcats, an all-white team. The Texas Western team won the national title with a 72–65 victory. More important than the basketball victory was the profound statement that was made that night regarding an issue that was causing great national controversy and strife—civil rights.

The win soon became a symbol for the breakthrough of black athletes into college sports and is an event defined by many as the ''Brown v. Board of Education of athletics''. After the '66 championship, college teams throughout the South began aggressively recruiting black athletes, ending years of shameful segregation. You may recall that the 2006 film ''Glory Road'' is based on the story of the 1966 Texas Western team. Years later, when recounting his coaching successes and historic contribution to civil rights, Haskins said, ''I just played my best guys, like any coach would do.''

This team will be remembered forever. This is a great day for El Paso and for basketball enthusiasts all over the world; a great day to remember the civil rights struggle and some of the strides that have been made; and a great day to recognize and honor the contributions of the 1966 Texas Western NCAA championship basketball team as they are inducted into the Naismith Memorial Basketball Hall of Fame.

I am proud of this team—Bobby Joe Hill (Detroit, Michigan), Orsten Artis (Gary, Indiana), Togo Railey (El Paso, Texas), Willie Worsley (New York, New York), David Palacio (El Paso, Texas), Dick Myers (Peabody, Kansas), Harry Flournoy (Gary, Indiana), Louis Baudoin (Albuquerque, New Mexico), Nevil Shed (New York, New York), Jerry Armstrong (Eagleville, Missouri), Willie Cager (New York, New York), David 'Big Daddy' Lattin (Houston, Texas) and their legendary coach, Don ''the Bear'' Haskins, and congratulate them on this slam dunk!

CELEBRATING THE GIFT OF LIFE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in recognition of a new record for the State of Florida; our first set of sextuplets, born this weekend to new parents Karoline and Ben Byler of Wesley Chapel in my district.

As someone who raised three wonderful girls, I know the joys of motherhood, albeit one at a time. the Bylers, who already have a 4-year-old at home, now get six times the challenge of raising young children, welcoming five little boys and one girl into their home.

The boys were named Brady Christopher, Eli Benjamin, Ryan Patrick, Jackson Robert

and Charlie Craig. The girl is MacKenzie Margaret.

Madam Speaker, the residents of my district are like so many others around the Nation; good, caring and generous American citizens. Since the babies were born this weekend, the parents have been showered with gifts and support, including clothing, diapers, baby wipes, baby formula and gift cards.

While every child is a precious gift, to be blessed with six babies at one time is truly an accomplishment. In fact, this is the first time in Florida history, and only the fourteenth time in the United States that sextuplets have been born. My thoughts, prayers and best wishes go out to Karoline and Ben Byler as they begin an amazing journey as parents to six new children while ensuring that the older sister feels just as loved.

H.R. 3162, THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of the Children's Health and Medicare Protection, CHAMP, Act to help ensure that the 68,000 children in Minnesota without health insurance, and the more than 9 million children around the country that are uninsured and underinsured, have access to the critical health care services they need.

The State Children's Health Insurance Program, SCHIP, in our state, MinnesotaCare, plays an important role in providing health care coverage for millions of lower-income children around the country. It is available for children whose families do not have health insurance, but who do not qualify for Medicaid. Unfortunately, without action from Congress, the law authorizing funding for this important program will expire at the end of September.

The CHAMP Act reauthorizes SCHIP and improves the program by providing health care for an additional 5 million uninsured children in our nation who are eligible, but not currently enrolled in SCHIP. This bill also grants states the option to expand SCHIP coverage of pregnant women, as well as allowing states to offer health care coverage for older children up to age 21.

In order to be healthy, children need access to comprehensive health care. For this reason, I joined several of my colleagues to send a letter to Chairman DINGELL urging him to include a dental benefit in SCHIP. I strongly support that under this legislation, children enrolled in SCHIP will receive a guaranteed dental benefit.

Further, because at least 1 in 5 American children and adolescents have a mental health disorder, it is critical that H.R. 3162 requires parity for mental health coverage.

Not only does this legislation strengthen health care for our kids, it also helps our nation's seniors. The CHAMP Act preserves seniors' access to physicians by preventing a scheduled 10 percent payment cut from going into affect, and actually increasing payments to Medicare physicians by 0.5 percent for the next 2 years.

H.R. 3162 also includes several provisions to improve the Medicare Part D prescription drug benefit. It caps out-of-pocket spending under Part D to 5 percent of annual income and eliminates late enrollment penalties for the lowest income Medicare beneficiaries. Additionally, this legislation expedites the process to qualify for low-income assistance and allows any beneficiary to change plans if a plan changes the formulary in a way that results in reduced access to a prescription for the individual.

Further, because there are many concerns about rapidly increasing health care costs, this legislation stops overpayments to private Medicare Advantage plans, which will save the 82 percent of Minnesota beneficiaries enrolled in traditional Medicare plans $10.2 million in Part 8 premiums. This bill gradually implements the payment changes, which will allow Medicare beneficiaries to choose the plan that best meets their needs. H.R. 3162 also raises the asset limits to $17,000 for individuals and $34,000 for couples, making it easier for seniors to qualify for assistance with Medicare Part 8 and D costs.

H.R. 3162 is endorsed by numerous organizations including the AARP, the American Medical Association, the American Academy of Pediatrics, the Children's Defense Fund, Families USA, and the National Rural Health Association. I have included for the CONGRESSIONAL RECORD a list of organizations that have sent letters in support of this legislation.

Madam Speaker, it is essential that all Americans have access to comprehensive, quality, and appropriate health care. I urge my colleagues to join me in voting for this important bill.

CHAMP LETTERS OF SUPPORT

AARP, July 26, 2007; Acute Long Term Hospital Association, July 25, 2007; AFL-CIO, July 26, 2007; AFSCME, July 25, 2007; Alliance for Better Health Care, July 26, 2007; Alliance for Retired Americans, July 25, 2007; American Academy of Child and Adolescent Psychiatry, July 26, 2007; American Academy of Family Physicians, July 25, 2007; American Academy of HIV Medicine, July 26, 2007; American Academy of Ophthalmology, July 25, 2007; American Academy of Pediatrics, July 25, 2007; American Association of Neurological Surgeons, July 25, 2007; American Clinical Laboratory Association, College of American Pathologists, Genzyme Corporation, Federation of American Hospitals, National Rural Health Association, July 26, 2007; American College of Physicians, June 24, 2007; American Counseling Association &. American Mental Health Counselors Association, July 25, 2007; American Diabetes Association, July 26, 2007; American Federation of Teachers, July 25, 2007; American Gastroenterological Association, July 25, 2007; American Hospital Association, July 26, 2007; American Psychological Association, July 25, 2007;

American Society of Cataract and Refractive Surgery, July 24, 2007; Child Welfare League of America, July 26, 2007; Children's Dental Health Project, July 25, 2007; Coalition of Full Service Community Hospitals, July 25, 2007; Coalition to Preserve Rehabilitation, July 26, 2007; Disability Policy Collaboration, July 26, 2007; Easter Seals, July 26, 2007; Families USA, July 25, 2007; Federation of American Hospitals, July 25, 2007; First Focus, July 26, 2007; Friends of NQF, July 25, 2007; Generic Pharmaceutical Association, July 25, 2007; HIV Medicaid/Medicare Working Group, July 25, 2007; National Alliance on Mental Illness, July 25, 2007; National Association of Insurance Commissioners, July 25, 2007; National Council on Aging, July 26, 2007; National Rural Health Association, July 26, 2007; Illinois Governor Blagojevich, July 26, 2007; Incenter Strategies, July 23, 2007; Juvenile Diabetes Research Foundation International, July 25, 2007; March of Dimes, July 25, 2007; NAACP, July 26, 2007;

National Committee to Preserve Social Security and Medicare, July 25, 2007; National Hispanic Medical Association, July 25, 2007; National Medical Association, July 26, 2007; Premier, July 26, 2007; The Arc: and United Cerebral Palsy, July 26, 2007; The Medicare Cost Contractors Alliance, July 25, 2007; The Society of Thoracic Surgeons, July 26, 2007; Three State of New York Heathcare Organizations, July 25, 2007; Washington State Labor Council, AFL-CIO, July 25, 2007.

PAYING TRIBUTE TO BRENT EUGENE TYLER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Brent Eugene Tyler for a lifetime of community and business service in Nevada.

Brent was born in 1928 in Thatcher, Arizona. After graduating from high school, he went on to serve his country in the U.S. Navy from 1946 to 1948. Brent moved to Nevada in 1950 with his wife, Anne. He graduated from the University of Nevada, Reno in 1953 with a degree in Business Accounting. Brent and Anne had three children, Joe, Brent, and Stephanie.

Brent found his professional calling in the blossoming neon sign business in Reno. He spent more than two decades as the top local salesman for the Young Electric Sign Company, becoming a respected businessman with many friends in Nevada that he maintained throughout his life.

In 1967, Brent made a bid for Reno City Council; while he did not win the office, it did not diminish his contribution to public service, as he went on to assist countless northern Nevadans achieve local and state offices.

Mr. Tyler was admired by his community for his strong dedication to volunteerism. For several years he served as a full time VISTA volunteer with the Washoe County Senior Law Project, and he served as the volunteer chairman of the state sanctioned Renter's Hotline. Brent also worked with the National Association for the Mentally Ill of Northern Nevada along with his son, Joe. He spearheaded the effort to establish Yori Park because of his concerns for low income families not having a safe place to play. Additionally, with the help of his son Bret, he helped to create a low income, non-profit mobile home park in Lockwood.

Brent's lifelong commitment to the business and volunteer communities in Nevada serves as an inspiration to us all. Madam Speaker, I am proud to honor Brent Eugene Tyler for a lifetime of public service. The legacy he leaves behind will long be remembered by his community.

TRIBUTE TO JASMINE CLARK

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. WESTMORELAND. Madam Speaker, I rise today to honor a champion athlete from Georgia's 3rd Congressional District.

Jasmine Clark, a 9-year-old from Tyrone, took her taekwondo skills to the 2007 Junior Olympics in July and came home with a gold medal. Jasmine's victory earns her the title of national champion for female blue belts in her age range.

Jasmine began competing in taekwondo just three years ago but quickly proved to be a natural. Nevertheless, she entered the Junior Olympics as an underdog, and with grit and determination took the gold in the elite open division and then the world class division.

Every champion, of course, has a supporting cast that plays an important role in any victory. For Jasmine, those supporters include her parents, Louis and Yongmi Clark, and her coach at Tiger Martial Arts in Fayetteville, Ehud Kojak. These mentors rightfully bask in Jasmine's reflected glory.

I join Jasmine's peers and teachers at Robert J. Burch Elementary School and the people of Fayette County in stating our pride in Jasmine's gold medal victory in taekwondo at the Junior Olympics. I hope and trust that this is merely the opening of an outstanding athletic career for Jasmine Clark. I congratulate her and wish her the best in all her future endeavors in the sport.

IN HONOR OF JAMES F. DRAKE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BONNER. Madam Speaker, I rise today to pay tribute to one of Mobile's finest sons, James F. Drake, a survivor of the Bataan Death March, who spent 42 months as a prisoner of the Japanese during World War II.

In April 1942, James Drake was a young mess sergeant with the Army Air Corps' 27th Bomb Group when he was captured along with the nearly 75,000 Filipino and American soldiers by the Japanese. The captives were forced to march to a prison camp more than 60 miles away without food or water. Thousands of the prisoners died during the weeklong march that became known as the Bataan Death March. During the 42 months Mr. Drake was held prisoner at Camp O'Donnell, he survived on small helpings of rice. Upon his release, he weighed a mere 89 pounds.

In the 65 years that followed, Mr. Drake dedicated his life to caring for others. Due to the injuries he received as a prisoner of war, Mr. Drake had to have one of his legs amputated; however, he was known for driving fellow veterans to VA facilities for medical treatment in Biloxi, Montgomery, and Pensacola.

Mr. Drake was inducted into the Alabama Military Hall of Honor in 2000 and named a Mobile Veteran of the Year in 2005. He truly was the embodiment of service to country.

Madam Speaker, the life and actions of James Drake personified the very best of America. I feel certain his many friends and family, while mourning the loss of this courageous man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives. I urge my colleagues to take a moment and pay tribute to James Drake and his selfless devotion to our country and the freedom we enjoy.

Make no mistake; James Drake was a true American hero.

TRIBUTE TO DR. RONALD M. SEGA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the retirement of Dr. Ronald Sega, Under Secretary of the Air Force, and to recognize him for his distinguished public service as Director of Defense Research and Engineering, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, from August 2001 to July 2005; and as Under Secretary of the Air Force, from August 2005 to August 2007.

As the Chief Technology Officer for the Department of Defense, Dr. Sega interacted with the Executive Branch, Congress, industry, academia, and other Federal agencies to develop strategies and support plans to align scientific research and engineering development with Department goals and objectives to ensure U.S. military technological superiority. Following the September 11, 2001, terrorist attacks on the Nation, he established the Department of Defense Combating Terrorism Technology Task Force to spearhead the rapid development and fielding of defense capabilities critical to the successful execution of military operations in support of the global war on terrorism. Dr. Sega established Department of Defense technology focus areas on energy and power technology, surveillance and knowledge systems, and in the National Aerospace Initiative to guide investment and capitalize on emerging technological opportunities. Dr. Sega's tireless efforts and diplomacy significantly advanced Defense Department international engagement and cooperation.

As the Under Secretary of the Air Force, Dr. Sega oversaw, on behalf of the Secretary of the Air Force, the recruiting, training, and equipping of approximately 690,000 airmen and a budget of approximately $110 billion committed to the effective integration of air, space, and cyberspace capabilities in support of the Nation's defense. As the designated Department of Defense Executive Agent for Space, Dr. Sega developed, coordinated, and integrated plans and programs across the national security space enterprise instituting a back-to-basics approach to space acquisition which redistributed risk from system procurement to early-stage science and technology activities. He also established the Operationally Responsive Space Office to launch, activate, and employ low-cost satellites to provide surge capability, to reconstitute or augment existing constellation, or to provide timely availability of tailored or new capabilities. As the Air Force Senior Executive for Energy, he led the development of the Air Force Energy Strategy to incorporate energy consideration in all Air Force operations. Dr. Sega instituted best business practices in defense space acquisition, championed advances in the science and technology workforce, and tirelessly supported the Nation's men and women in uniform.

Dr. Sega is an extraordinary leader, patriot, and intellectual whose distinctive accomplishments reflect great credit upon himself and the Department of Defense. I am particularly pleased that he will return to Colorado to share his skills and experience as vice president at the Colorado State University Research Foundation and as a professor of systems engineering at Colorado State University.

I hope my colleagues will join me not only in recognizing the past accomplishments of Dr. Sega but also in wishing him all the best in his future pursuits.

IN MEMORY OF DONOVAN WITHAM

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Specialist Donovan D. Witham of Malvern, Arkansas, who died on August 20, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. He was 20 years old when he selflessly gave his life for his country during combat operations.

Specialist Witham graduated from Glen Rose High School in 2005 where he was active in athletics and numerous extracurricular activities as a student. As a member of the student council, drama club and choir, as well as the football and track teams, he was a natural leader who demonstrated hard work and teamwork both in the classroom and on the field. Before joining the Army, he continued to give back to his community and state by working at the Ouachita River Correctional Unit. He was also an avid sportsman who enjoyed hunting and fishing at every opportunity.

Specialist Witham joined the Army in November 2005, and his proud service will continue to live on and serve as an inspiration to the many soldiers who knew him and fought alongside him in combat. He was a military police officer with the 1st Squadron, 73rd Cavalry Regiment, 2nd Brigade Combat Team, in the 82nd Airborne Division. His bravery and courage as a military police officer and as a paratrooper were exemplified by his numerous awards and military decorations, including the Bronze Star Medal and the Purple Heart Medal.

Specialist Donovan Witham gave his life to serve our country and he will forever be remembered as a leader, a hero, a son, a brother and a friend. My deepest condolences go out to his mother, Martha Launius, and his stepfather, Richard Launius of Malvern; and his three sisters, Amber Sharp of Magnolia, Jamie Witham of Benton and Virginia Bennett of Magnolia. He will be missed by his family, his community, his country and all those who knew him. I will continue to keep Specialist Donovan Witham's family in my deepest thoughts and prayers.

PAYING TRIBUTE TO RICHARD BUNKER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Richard Bunker. Mr. Bunker has served the Colorado River Commission for fourteen years, and has served as Chairman for ten years.

During his time at the Colorado River Commission, Mr. Bunker served Nevada's interests on a negotiating team with six other representatives from Colorado River Basin states and the Bureau of Reclamation, in order to establish programs allowing interstate banking in the Lower Colorado River Basin. His innovative work has allowed the state of Nevada to take a more aggressive role in the procurement of electrical power. In 1996, the Commission partnered with the Southern Nevada Water Authority to build the Newport Substation which provides electrical power for the regional water system. The time and energy that Mr. Bunker has given to the Colorado River Commission is admirable.

Richard Bunker's achievements extend beyond that of Chairman of the Colorado River Commission. Richard has received many prestigious awards such as the Lifetime Achievement Award from the Nevada Gaming Attorneys and the Clark County Bar Association in recognition of his contributions to the gaming industry as a gaming regulator, chief executive of gaming resorts, and president of the nation's leading gaming industry association. He was also the recipient of the National Jewish Medical and Research Center's Humanitarian Award in recognition of his work to foster human welfare and champion social reform.

Madam Speaker, I am proud to honor Richard Bunker. His service to Nevada in his years with the Colorado River Commission, as well as his work with other organizations is something to be admired and commended. I wish him well in his retirement and heartily thank him for his service to Nevada.

HONORING SERGEANT CORY LUTTREL CLARK, SR.

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Sergeant Cory L. Clark, Sr., of Plant City, FL, who was killed in Afghanistan on August 28, 2007, in support of Operation Enduring Freedom.

Assigned to the 585th Pipeline Company, 864th Engineer Combat Battalion, stationed in Fort Lewis, WA, Sgt. Clark was an Army engineer who was rebuilding roads and bridges in war-torn Afghanistan when he was fatally wounded by an improvised explosive device while his unit crossed a bridge in Jaji, Afghanistan.

I did not have the privilege of knowing Sgt. Clark personally, but by all accounts he was a courageous young man who was devoted to his country and family. Prior to joining the Army in April 2001, Cory grew up on Jenkins Street in Plant City and was a 2000 graduate of Durant High School in eastern Hillsborough County.

Cory enjoyed life, seeing the world, making others smile and his mother, Wrenita's, home cooking. Most importantly, he was a beloved husband, son and father, who cherished spending time with his family.

Recently promoted to Sergeant, Cory earned a great deal of recognition for his service. Among his many awards and honors are the Bronze Star Medal, Purple Heart, Army Commendation Medal, 2 Army Good Conduct Medals, National Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, NATO Medal and Combat Action and Weapons Qualification Badges.

Madam Speaker, my heart aches for Cory's family. He is survived by his wife, Monica, and his four children, Malik Mitchell, 6; twins Cory Jr. and Quinton, both 3; and Kar-Yahna, 9 months. May God bless the Clark family and continue to watch over the country that Sgt. Clark so loved. We shall never forget him.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE PAUL E. GILLMOR, A REPRESENTATIVE OF THE STATE OF OHIO

SPEECH OF

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2007

Mr. EHLERS. Mr. Speaker, I rise today to pay tribute to my good friend, Representative PAUL GILLMOR. I learned of his sudden passing on Wednesday, and my wife and I are greatly saddened by this news. I offer my prayers of support to his wife Karen and their two daughters, Linda and Julie and their three sons, Paul Michael and twins Connor and Adam.

I take great pride in knowing such an honorable gentleman who humbly served his country and constituents. PAUL began his life of public service as a Judge Advocate in the Air Force during the Vietnam Conflict from 1965–1966. He continued his service as a State Senator for twenty-two years and was President of the Ohio Senate for three General Assemblies. Ever since he was first elected to Congress in 1988, he has honorably represented his constituents in the most ethical manner. He was reelected to each subsequent Congress by substantial margins, indicating the trust and confidence his constituents placed in him. He served them well and diligently.

Representative GILLMOR and I were both long-time congressional representatives to the NATO Parliamentary Assembly. PAUL was particularly active in this organization and served several years as Chair of the important Economic Committee, and most recently has been serving as the Vice Chair of the entire Assembly. In all Assembly activities, Representative GILLMOR conscientiously and honorably represented the interests of the United States.

Above all, PAUL was a good friend, confidante, and advisor to me. He was a fountain of wisdom and sage advice, and I deeply appreciated his friendship and that of his wife Karen. My wife and I both enjoyed their company as we traveled together to NATO meetings to represent the U.S. Karen and PAUL were particularly proud of their children, and often told us about their development and prowess.

We will all miss PAUL, and express our condolences to Karen and the children. He made an important mark on the history of our Nation and the world. Our country is the better for his participation in the Congress and the NATO Parliamentary Assembly.

May God bless Karen, the children and all PAUL's relatives, and give them comfort and strength during this time of sorrow.

HONORING LEWIS J. BAZAKOS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. KING of New York. Madam Speaker, today I rise to honor Lewis J. Bazakos, a constituent of mine and the outgoing chairman of the American Chiropractic Association (ACA)—the Nation's largest professional association for doctors of chiropractic medicine.

Dr. Bazakos, a 1978 graduate of the New York Chiropractic College has practiced chiropractics for more than 25 years. He was elected chairman of the Board of Governors during the ACA's 43rd Annual Business Meeting on September 22, 2005. In addition, Dr. Bazakos serves as chairman of the New York Chiropractic College Board of Trustees.

Dr. Bazakos has been elected or appointed to numerous leadership positions within the chiropractic profession. Prior to his election as chairman, Dr. Bazakos served on the ACA Board of Governors since 2000 and on its executive committee since 2003. In addition, Dr. Bazakos has served as the ACA's New York-Metro Delegate and was chairman of the Finance Committee.

On the state level, Dr. Bazakos has a long-time affiliation with the New York State Chiropractic Association (NYSCA). He is past president of the NYSCA and served as its legislative chairman for 15 years.

Throughout his career, Dr. Bazakos has been recognized for his commitment and service to the chiropractic profession. In 1991, he was named as Chiropractor of the Year by the NYSCA and also received the NYSCA's prestigious ''Ernest G. Napolitano Award,'' an honor presented to a doctor in recognition of his selfless contributions to the NYSCA and the chiropractic profession.

In addition to his doctor of chiropractics degree, Dr. Bazakos holds a master's degree in clinical nutrition from the University of Bridgeport. Currently, he is involved in clinical private practice at Nassau County Pain Management & Rehabilitation and Medical Offices located in Valley Stream, NY.

Madam Speaker, I am proud to have Dr. Bazakos as a constituent and even prouder of his more than 25 years of service to patients throughout the Empire State.

HOMEOWNERS INSURANCE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on September 6 the Financial Services Subcommittees held a hearing on a proposal to help Florida homeowners with their skyrocketing insurance costs. I am very troubled by the Administration's testimony and comments during that hearing.

The Administration alluded that homeowners are not paying enough for their premiums. The Administration claims that the insurance market is ''active and effective.''

Furthermore, the Administration's bipartisan opposition to any proposal by my colleagues or me to help homeowners along the Gulf Coast is a position we cannot accept.

Madam Speaker, I am troubled that the Administration continues to take a ''let them eat cake'' attitude while families and seniors are being forced from their homes, simply because they cannot afford property insurance. I hope the Administration takes notice of this problem soon, and begins to work with my colleagues and me to bring some relief to our constituents.

RECOGNIZING THE ACHIEVEMENTS OF PAULA SZYPKO, M.D., FCAP

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. FOXX. Madam Speaker, I rise today to pay tribute to a fine doctor from North Carolina, my friend Dr. Paula Szypko of High Point. Her commitment to advocating for quality care for her patients is truly admirable.

Dr. Szypko will be stepping down at the end of this month as chair of the Federal and State Affairs Committee of the College of American Pathologists. Pathologists are physicians who help care for patients every day by providing doctors with the information they need to ensure appropriate patient care.

As a pathologist specializing in anatomic and clinical pathology at the North State Pathology Associates in High Point, she has been a leading advocate for early cancer screening tests, especially Pap tests. No screening test in medical history has been as effective for early detection of cervical cancer in women as the Pap examination.

As a member of the American College of Pathologists' Spokesperson Network, she has made numerous television appearances to advance this cause. For her effort she was awarded the CAP William H. Kuehin, Ph.D., Outstanding Communicator Award in 1999.

Her commitment to patient access to quality health care led her to meet with President George Bush in 2002, along with former Health and Human Services Secretary Tommy Thompson, at the High Point Regional Health System in High Point, NC, to discuss her concerns about the rising cost of medical liability insurance.

Dr. Szypko received her medical degree from the Wake Forest University School of Medicine in Winston-Salem. Following medical school, Dr. Szypko completed an internship in internal medicine at Georgetown University Hospital in Washington, DC, and served her residency at North Carolina Baptist Hospital in Winston-Salem.

While Dr. Szypko will be stepping down as chair of the College of American Pathologists' Federal and State Committee, I know that she will be a strong voice for promoting quality health care excellence in her profession. Please join me in recognizing this outstanding physician for her advocacy and commitment to the patients she serves.

PAYING TRIBUTE TO ROGER BRYAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Roger Bryan. Mr. Bryan served the Clark County School District as an educator and administrator for over 35 years, and this year he will be celebrating the 10th anniversary of an elementary school being named in his honor.

Roger Bryan began his career as an educator before the age of 20. After only five years of teaching Roger was offered a principal position. In his 25 years in that capacity, he had the honor of opening three new schools and positively influencing innumerable young minds. He is an outstanding educator whose commitment to our community has made a profound difference to the students of Clark County. Roger was considered to be a ''hands-on'' administrator. It was not uncommon for him to stop by classes in order to teach a lesson in math or reading. Later on in his career, Roger went on to serve the Clark County School District as a school facilitator and as a member of the Elementary Division Administrative Team. In Roger's 35 years as a teacher, principal, and central office administrator, he never used a single sick day. Roger's commitment to education throughout his career is admirable.

Roger has not only served the Clark County School District, but he has also managed to coach basketball and be actively involved in the Boy Scouts of America. He has coached school and community basketball teams, many of which have gone to state and national championships. Being an Eagle Scout himself, Roger has continued to be involved in the organization by serving as a member of the Council Training Team and as an Explorer Unit leader.

Madam Speaker, I am proud to honor Roger Bryan. His commitment to education as well as his involvement in the community should serve as an example to us all. I applaud his dedication and wish him the best.

TRIBUTE TO DAISAKU IKEDA

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to commend an admirable leader Daisaku Ikeda on the 50th anniversary of Soka Gakkai International. As president, Mr. Ikeda is an exemplary humanitarian committed to developing a peaceful world.

As a young man, Mr. Ikeda was a disciple of Josei Toda, founder of Soka Gakkai International, of which 5,000 members reside in Dallas, TX. During this time, he adopted the mission to embrace the movement of human revolution based on daily efforts to transform their individual lives from within through a consistent and essential aspect of the historical challenge of nuclear disarmament, abolition and peace.

Mr. Ikeda is a prolific writer, poet, peace activist, pianist, environmentalist, photographer and interpreter of Nichiren Buddhism. In 1983, Mr. Ikeda proposed his first peace proposal in response to challenges of our global society grounded in his Buddhist perspective. This proposal is submitted each year to the United Nations.

As president of Soka Gakkai International, Mr. Ikeda has founded several institutions, such as Soka schools, the Min-On Concert Association, the Tokyo Fuji Art Museum, the Institute of Oriental Science and the Toda Institute for Global Peace and Policy Research to promote educational, cultural, and artistic activities and to conduct exchanges with like groups and institutions on a global scale.

He has also initiated a wide range of grassroots exchange programs and delivered speeches at a number of institutions of higher learning around the world, including Harvard University, the Institut de France and Beijing University.

On behalf of the 30th Congressional District of Texas, I am honored to commend the life of an astounding man, Daisaku Ikeda and congratulate him on the 50th anniversary of Soka Gakkai International.

REMEMBERING THE LIFE OF KENNETH PRUITT, JR.

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. YOUNG of Florida. Madam Speaker, Kenneth P. Pruitt, Jr. was known to his family and friends as ''KP.'' he had great wit, a sharp intellect, and demonstrated a sincere kindness to everyone who came across his path. That life was cut too short when Kenneth died on August 15, 2007, in Tallahassee, Florida, at the young age of 29.

Kenneth was the son of our Florida Senate President Ken Pruitt and Dianne Peters of Tampa.

Kenneth had an exceptional capacity for understanding computer systems and software from a very young age. He used this talent in the marketplace and in the public sector. Kenneth served as a network administrator at the State of Florida's Department of Revenue where he worked in the Child Support Enforcement Division. At the time of his death, Kenneth was working in the Information Technology department at Tallahassee HealthCare.

He was also rich in friends and family. He is survived by his daughter Chloe, age four, step-mother Aileen Pruitt of Port St. Lucie; siblings Steven, Mark, Ashley, and Michelle;

step-father Ron Peters of Tampa; and sister Samantha. He is also survived by his grandparents Jeannette Dufresne of New Port Richey, Robert and Fay Pruitt of Inverness, and many other friends and family members.

In honor of his memory, the Indian River Community College established the ''Kenneth P. Pruitt, Jr. Scholarship'' in order to provide assistance to students wishing to follow in Kenneth's footsteps and make a career in the field of computer technology. In this way, the spirit of this bright and talented young man will carry on to inspire others.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the RECORD that I intended to vote ''aye'' on rollcall vote 859 taken on September 6, 2007 supporting passage of H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act.

HONORING THE ASHEVILLE DIVISION U.S. NAVAL SEA CADETS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. SHULER. Madam Speaker, I rise today to recognize the hard work and dedication of the cadets and volunteers of the Asheville Division U.S. Naval Sea Cadets. The U.S. Naval Sea Cadet Corps program is a federally chartered youth training organization for students ages eleven to seventeen that is designed to educate young people about service in the Navy and Coast Guard both ashore and afloat.

The Asheville Division provides the young people of Western North Carolina with unparalleled opportunities to learn new skills and experience new challenges in a safe, alcohol and drug free environment. Some Cadets choose to continue to serve their country through military service, while many others go on to pursue civilian careers. Regardless of their future path, cadets benefit from the lessons learned in the program—good citizenship, self-discipline, a sense of responsibility, and leadership skills.

I would also like to take this opportunity to congratulate Katelyn Kassel for reaching the rank of Chief Petty Officer, the highest rank a cadet can achieve while participating in the U.S. Naval Sea Cadet Corps Program. CPO Kassel is the first in the history of the Asheville Division to reach this honor. She is currently enrolled at the University of North Carolina at Charlotte where she is participating in the Army ROTC program and studying as a pre-law student.

I am extremely proud of CPO Kassel for her hard work and dedication to this program. She was a wonderful asset to the program at her high school and serves as an excellent role model to other students. I have no doubt that CPO Kassel will serve our country well in the U.S. military.

I commend each of the cadets for their service in this important program, as well as the volunteers who keep this program going, especially Commanding Officer LTJG Heath Collins and Executive Officer R. Scott Lunsford. I ask each of my colleagues to join me in congratulating the cadets and volunteers of the U.S. Naval Sea Cadets in Asheville and throughout the United States.

PAYING TRIBUTE TO CHRISTINE C. SCHULZE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Christine C. Schulze who passed away on July 19, 2007.

Christine was born May 14, 1915, in Ladysmith, Wisconsin. She was educated in southern Wisconsin and was employed by the U.S. Navel Training Station in Waukegan, Illinois during World War II. After the war she worked for Needham, Louis and Brorby Advertising Agency in Chicago. Christine then owned and operated a ladies' dress shop in Burbank, California before retiring with her husband, Werner in 1979 to Las Vegas, Nevada.

In addition to her professional endeavors, Christine also became interested in aviation. This interest evolved into a philanthropic project which provided an educational scholarship fund for students pursuing careers in aviation. In 2002, she established a scholarship fund for Rancho High School's Aviation Academy. Since its inception, the scholarship has provided over 500 student pilots with funding. In recognition of her philanthropic support to the students at Rancho High School, the school dedicated the Christine C. Schulze Aerospace Laboratory in her honor because of her generous donations to aviation and flight scholarships.

In a personal capacity, Christine was extremely active and dedicated to her community. She was a member of the Eastern Star, President of the Zonta Club, President of the Board of Retired Senior Volunteer Program, and established the Senior Auxiliary Board of the Retired Senior Volunteers of Henderson. She was active in the Republican Women of Henderson, Eta Chapter of Beta Sigma Phi, and Safe House of Henderson, to which she donated the first beds and linens for the facility. She also donated her time and efforts to St. Jude's Ranch for Children, in Boulder City, Nevada. Christine was a long-time Episcopalian and was a member of Christ Episcopal Church in Las Vegas and was influential in the development of the Christ Church Endowment Fund.

Madam Speaker, I am proud to honor the life and legacy of Christine C. Schulze. Her dedication to the community and philanthropic devotion to students should serve as an example to us all. I applaud all her efforts.

TAIWAN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to express my disappointment with the United Nation's rejection of Taiwan's membership bid. More than 14 times, the U.N. has denied Taiwan's application. It is unclear to me why this sovereign state, with a democratically elected government, should be refused entry into the international institution of the United Nations. I have heard the argument that granting Taiwan U.N. membership would upset the status quo Taiwan has with China. But, Madam Speaker, such arguments are weak. I suspect the real reason for the denial of Taiwan's recognition in the U.N. is the U.N.'s fear of upsetting the status quo the U.N. has with China's communist regime. It is outrageous to deny Taiwan's 23 million citizens representation in what should be a fair international organization. I am dismayed by the U.N.'s decision Madam Speaker, but frankly, I am not surprised by it. It is obvious to me that the problem does not lie with Taiwan; rather, it lies with an incompetent, corrupt, and dictator-appeasing U.N.

PROTECT AMERICA ACT OF 2007

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, August 4, 2007

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my disappointment regarding the House of Representatives' approval of S. 1927, legislation greatly expanding the Bush Administration's eavesdropping authority beyond even what Administration officials requested. I urge the House Judiciary Committee to promptly consider and report improved legislation that will provide the necessary surveillance authority our intelligence services need to protect our nation, while protecting our citizens' most basic expectation of privacy and fundamental civil liberties that are guaranteed by our constitution. Specifically, the Fourth Amendment to the U.S. Constitution states plainly: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

I have been a longstanding supporter of efforts to provide our intelligence and law enforcement agencies with all the necessary tools they need to monitor potential agents with terrorist intentions against the United States. Following the awful terrorist attacks of September 11, 2001, on our country, I joined 356 of my House colleagues to vote for the USA PATRIOT Act of 2001 (P.L. 107–56). The legislation gave federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence

gathering purposes. Among other additional provisions, the law also created new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists.

The law contained, however, provisions that allowed for enhanced surveillance procedures that many citizens were concerned restricted civil liberties. I subsequently supported several amendments to various appropriations measures that would have improved civil liberties protections, namely: (1) Rep. BERNIE SANDERS' amendment to fiscal year 2006 Science, State, Justice and Commerce Appropriations Act which would have exempted libraries and bookstores from section 215 of the PATRIOT Act while increasing congressional oversight; and (2) Rep. Butch Otter's amendment to a fiscal year 2004 appropriations measure that would have prevented the use off section 213 of the PATRIOT Act that extended so-called ''sneak and peek'' authority to local police that previously was made available only to foreign intelligence investigators. Previously, police had to ''knock and announce'' their intention of searching before executing any warrant. Even though the Sanders amendment passed the House by a vote of 238–187, and the Otter amendment passed by a vote of 309–118, they both were unfortunately pulled from their respective appropriations measures before they were signed into law by the President.

Several sections of the PATRIOT Act were set to expire on December 31, 2005, unless they were extended. These ''sunset provisions'' included wiretapping privileges, sharing wiretap and foreign intelligence information, FISA authority and jurisdiction, voicemail warrants, and various other powers. On July 21, 2005, the House approved H.R. 3199 by a vote of 257–171. This legislation would have made permanent 14 of the 16 provisions that were set to expire in 2005. The remaining two provisions, involving the government's ability to use roving wiretaps and the government's access to business and library records, were assigned 10-year sunsets, at which point they will either be renewed or will expire. While the majority of the sections remained unchanged, during consideration of this legislation, the House adopted a few measures that would help protect government abuses of civil liberties. Among these were amendments that would require the Director of the FBI to personally review any and all requests for library or bookstore records under Section 215 of the PATRIOT Act, as well as an amendment that would allow the recipient of a national security letter (NSL) to consult with an attorney and challenge the issuance of the letter in court. I voted for both of these amendments. I voted against H.R. 3199, however, because I didn't believe it was a good idea to make permanent policy for the United States concerning our fundamental rights and freedoms during extraordinary times of war. We must never allow terrorists to alter the freedoms that define our country and make us the greatest nation in the world.

On July 29, 2005, the Senate approved legislation that would also make permanent 14 of the 16 provisions set to expire in 2005; however, it would have placed 4-year sunsets on the two remaining provisions and would have placed additional checks on government power that would help ensure the preservation of our valuable civil liberties. These two pieces of legislation were sent to a House-Senate conference committee to resolve their differences; In December 2005, a new agreement was reached in conference proposing 4-year expiration dates for the two provisions involving the government's ability to use roving wiretaps and the government's access to business and library records, as well as a 4-year sunset to a provision in the 2004 intelligence overhaul law (P.L. 108–458) that allows law enforcement to seek warrants against ''lone wolf'' terrorists not connected to foreign powers. On December 14, 2005, the House agreed to the conference report by a vote of 251–174. I voted for the final version of the legislation because I was satisfied with the shorter expirations on some of the more contentious provisions and I was concerned about the possible effect on our national security if these provisions of the PATRIOT Act were allowed to expire.

After being approved in the House, however, several members of the Senate remained concerned about the government's ability to acquire records and obtain administrative search warrants. Several Senators later announced an agreement they had reached with the White House, to make three changes to the previously agreed-to conference report relating to the government seizure of records. Specifically, these changes: (1) Allow recipients of a business records request to challenge a gag order, although to overturn it they would have to wait one year and prove the government acted in ''bad faith''; (2) remove a requirement that recipients of national security letters, which do not require court approval, disclose the name of any attorney they consult or intend to consult; and (3) clarify language in the 2001 law to ensure that libraries operating in traditional roles and not as Internet service providers would not be subject to national security letters. The House later agreed to these amendments by a vote of 280–138, which I supported. On March 9, 2006, President Bush signed the final version of H.R. 3199 (P.L. 109–177) and the S. 2271 amendments (P.L. 109–178) into law.

In order to effectively fight the war on terror we need intelligence, but this intelligence should be gathered in a legal manner and consistent with our constitution. Traditionally, the NSA's intelligence-gathering role has been limited to intercepting international communications as part of the government's foreign spying activities. Under the 1978 Foreign Intelligence Surveillance Act (FISA, P.L. 95–511), the federal government is required to obtain a warrant to conduct domestic wiretaps, but the NSA program disclosed by President Bush and his administration appears to have operated outside the FISA law.

In the 109th Congress, Rep. HEATHER WILSON introduced H.R. 5825, the Electronic Surveillance Modernization Act. This legislation would have given the President expanded authority to authorize electronic surveillance of communications by suspected terrorists without first obtaining approval from the FISA court. Specifically, it allowed the President to authorize warrantless electronic surveillance for up to 90 days in three circumstances—an armed attack against the United States, a terrorist attack against the United States, or if there is an ''imminent threat'' that is likely to cause death or widespread harm. The measure also would have extended the amount of time intelligence agencies can conduct warrantless electronic surveillance in ''emergency situations'' to seven days, from the current three-day limit.

The FISA law then contained certain exceptions for intelligence operations on U.S. soil—it permitted the president to authorize the Justice Department to conduct electronic surveillance or physical searches without approval by the FISA court to gather foreign intelligence for up to 15 days after Congress enacted a declaration of war. In addition, it allowed the federal government to conduct electronic surveillance without the court's approval in ''emergency situations,'' provided that the government seeks approval from the FISA court within three days of initiating emergency surveillance.

The Electronic Surveillance Modernization Act, however, represented a significant departure from the protections put in place under FISA in 1978. Nowhere in the Foreign Intelligence Surveillance Act does it state that the president can bypass the process of seeking a court order to spy on American citizens through an executive order. I was concerned that this legislation was a political attempt to retroactively justify the President breaking the law. I fully believe that if the President followed the law and approached the FISA court and Congress for approval of such programs, that Congress and the FISA court would gladly give the President the powers he needs to combat terrorism. For these reasons, I voted against H.R. 5825 when it was brought to the House floor for a vote on September 28, 2006. This legislation was approved in the House by a vote of 232–191, but did not receive a vote in the Senate, effectively killing the legislation in the last Congress.

Attorney General Alberto Gonzales announced on January 17, 2007, that the FISA court authorized and issued orders on January 10, 2007, granting wiretaps that the Administration requested. Subsequently, the Justice Department has shared those classified documents with the House and Senate Intelligence Committees, as well as the Chairmen and Ranking Members of the House and Senate Judiciary Committees.

The U.S. Department of Justice's Office of the Inspector General released a 126-page audit report on March 9, 2007, entitled ''A Review of the Federal Bureau of Investigation's Use of National Security Letters.'' In this report, it was revealed that FBI agents were using national security letters to obtain personal information such as phone, internet, and financial records of individuals without court orders. The audit also found that 22 percent of these letters were not recorded and of those that were recorded, some were issued without proper authority. Senators ARLEN SPECTER and PATRICK LEAHY have voiced concern over the findings of this report. I am deeply troubled by this report and strongly believe vital intelligence should be gathered in a manner that is fully consistent with our laws and constitution.

The congressional leadership spent many months in 2007 negotiating a reauthorization of the FISA law with the Bush Administration and Admiral Michael McConnell, Director of National Intelligence (DNI). Both Democrats and Republicans agree that we need to update the FISA law to incorporate new technologies, such as cell phones and e-mail, which did not exist when the original FISA law was written. Prior to the August District Work Period, the Bush Administration pressed the

congressional leadership to pass a short-term FISA update. During negotiations, Director McConnell told the congressional leadership that he supported several technical changes that: (1) allowed foreign targets to be added a ''basket warrant'' after the warrant was approved; (2) expanded the draft bill to apply to ''all foreign intelligence'' from only intelligence ''relating to terrorism''; and (3) eliminated the requirement that the FISA court adjudicate how recurring communications into the United States from foreign targets would be handled. Following these improvements to the draft bill, the DNI told congressional leadership that with these changes, he could support the bill because it would ''significantly enhance America's security.'' I voted for the final version of this legislation, H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007. Even though a majority (218–207) voted in favor of H.R. 3356, the bill did not pass as it was considered under suspension of the rules (2/3 vote to approve required).

The Senate passed a much different version of FISA legislation, S. 1927, the Protect America Act sponsored by Senators MITCH MCCONNELL and KIT BOND. This legislation greatly exceeds what the Bush Administration requested in legislation, providing a virtual blank check for intelligence agencies to eavesdrop, including on the conversations of U.S. citizens, with essentially no oversight by the FISA court or Congress. The legislation allows the U.S. Attorney General to decide when to eavesdrop on any e-mail message or phone call without a warrant, so long as one of the people communicating is ''reasonably believed'' to be outside the country. That is a vague term that the Administration is allowed to interpret however they want, greatly expanding its surveillance powers, while the legislation does not provide the courts with any real power to supervise this surveillance. Proponents of S. 1927 point out that the legislation has a six month sunset and will expire in February 2009. This sunset is artificial, as the orders in effect in February 2009 could last for up to a year, essentially for the remainder of the Bush Administration with no oversight. For these reasons, I voted against S. 1927 when the House considered the measure on August 4, 2007. The House approved the legislation by a vote of 227–183, and the President signed it into law on August 5, 2007 (P.L. 110–55).

Speaker NANCY PELOSI wrote a letter to Judiciary Chairman JOHN CONYERS and Select Intelligence Chairman SILVESTRE REYES on August 4, 2007, urging that the House of Representatives should consider comprehensive FISA reauthorization legislation. I agree with her statement that: ''Many provisions of this legislation are unacceptable, and although the bill has a six-month sunset clause, I do not believe the American people will want to wait that long before corrective action is taken.''

As a co-equal branch of government, it is necessary that Congress fully understand how the Bush Administration executes intelligence activities in order to exercise proper oversight. I look forward to working with my colleagues in Congress to ensure that law enforcement agencies have strong, flexible tools to intercept the communications of terrorists, and at the same time protect our citizens' civil liberties from unwarranted government probing.

PAYING TRIBUTE TO FRED C. ALBRECHT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Fred C. Albrecht, who has honorably served the University of Nevada, Las Vegas for 38 years.

In his 38 years of service AT UNLV Fred Albrecht spent 18 years in the athletics department as the assistant men's basketball coach, men's tennis coach, Executive Director of Athletic Fundraising, and served as the interim Athletic Director twice. He has also served as the Vice President for University and Community Relations for the past ten years in conjunction with serving as the Executive Director of Alumni Relations for 35 years.

Since being hired in 1973 as the University's first Alumni Director, Fred has made numerous significant contributions to the UNLV community. As the alumni and government relations lobbyist he raised $3 million in 1989 to build the 23,000 square foot Richard Tam Alumni Center. He has also raised money to build the Alumni Park at the Sam Boyd Football Stadium, and the Alumni Amphitheater on campus.

Madam Speaker, I am proud to honor Fred Albrecht for his many outstanding achievements and congratulate him and his wife, Connie. His 38 year dedication to UNLV has been commendable, and he has greatly enriched the lives of countless people in the UNLV community.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. ANDREWS. Madam Speaker, I was with my daughter on her first day of school and was detained from voting on Thursday, September 6, 2007. Had I been present I would have voted ''yea'' on the following rollcall vote: roll No. 859.

Had I been present I would have voted ''nay'' on the following rollcall votes: roll No. 856, roll No. 857, and roll No. 858.

PAYING TRIBUTE TO RADM KENNETH P. MORITSUGU

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor RADM Kenneth P. Moritsugu, who has served as the Acting Surgeon General since 2006, and congratulate him upon his retirement. Prior to this appointment, he served as Deputy Surgeon General, the principal assistant and advisor to the Surgeon General, which he was appointed on October 1, 1998. He had been a career officer in the Commissioned Corps of the U.S. Public Health Service since 1968 and began his service as an Assistant Surgeon General beginning in 1988.

Dr. Moritsugu was born and raised in Honolulu, HI. He received his baccalaureate degree with honors in classical languages from the University of Hawaii in 1967, an M.D. from the George Washington University School of Medicine in 1971, and an M.P.H. in health administration and planning from the University of California, Berkeley, in 1975. Having completed residencies in internal medicine and in preventive medicine, Dr. Moritsugu is Board Certified in preventive medicine. He holds Fellowships in the American College of Preventive Medicine, the Royal Society of Health, and the Royal Society of Medicine. He is also a Certified Correctional Health Professional.

Throughout his career, Admiral Moritsugu has served in many diverse assignments including: Medical Officer on the U.S. Coast Guard cutter *Taney;* Chief of International Medical Education Programs; Director of the National Health Service Corps; and Medical Director of the U.S. Department of Justice's Federal Bureau of Prisons. Admiral Moritsugu has been the Federal representative to numerous national health care agencies and has been consultant to several international organizations and governments and served as the official U.S. representative to the 75th anniversary of the Pan American Health Board in Havana, Cuba.

Dr. Moritsugu has received numerous honors and awards, including the Surgeon General's Medallion, the Army Achievement Medal, and the Coast Guard Arctic Service Medal, among many others. He was deemed an Honorary Deputy United States Marshal by the U.S. Marshals Service, and received the Director's Special Achievement Award from the Federal Bureau of Investigation. In 2003, Rear Admiral Moritsugu was named Health Leader of the Year by the Commissioned Officers Association of the U.S. Public Health Service. He was awarded with the first William B. Miller Award from the American Association of Colleges of Osteopathic Medicine, a recipient of the John D. Chase Award from the Association of Military Surgeons of the United States and a Special Achievement Award from the National Commission on Correctional Health Care.

Admiral Moritsugu has received honorary doctor of science degrees from the University of New England, Midwestern University of Chicago, and the University of North Texas College of Osteopathic Medicine. In 1997, the American Academy of Physician Assistants deemed him an honorary Lifetime Member; additionally, in 2002, he has been granted honorary doctorates of humane letters from Alliant International University and from Western University of Health Sciences. As an educator, he is an adjunct professor at the George Washington University School, and an adjunct associate professor at the Uniformed Services University of Health Sciences. He has spoken and written extensively in many diverse areas, including health professions education, international health, HIV, and most recently bioterrorism.

In his official capacity, Admiral Moritsugu has been a dedicated advocate for organ and tissue donation and transportation. He has been an active participant in the Donor Family Recognition Programs in Washington, DC, as a key speaker at numerous local and national programs. In his private capacity, he has been a member of several boards of directors, including the Washington Regional Transplant

Consortium; several boards of trustees, including the National Kidney Foundation; and on the National Advisory Board for MOTTEP. As an additional service to his community he is an active volunteer of the Transplant Recipients International Organization.

Madam Speaker, I am proud to honor RADM Kenneth P. Moritsugu for his dedication and commitment to his profession, and commend him upon his retirement from serving as Acting Surgeon General. I applaud all of his hard work and wish him the best.

Daily Digest

HIGHLIGHTS

Senate adopted the conference report to accompany H.R. 2669, College Cost Reduction Act.

The House agreed to the conference report to accompany H.R. 2669, College Cost Reduction Act of 2007.

Senate

Chamber Action

Routine Proceedings, pages S11241–S11281

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 2031–2033, and S. Res. 310–311. **Page S11269**

Measures Reported:

S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated.

Pages S11269, S11270

Measures Passed:

Adopt A School Library Month: Senate agreed to S. Res. 134, designating September 2007 as ''Adopt a School Library Month''. **Page S11278**

National Polycystic Kidney Disease Awareness Week: Senate agreed to S. Res. 282, supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families. **Pages S11278–79**

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 288, designating September 2007 as ''National Prostate Cancer Awareness Month''. **Page S11279**

National Assisted Living Week: Senate agreed to S. Res. 292, designating the week beginning September 9, 2007, as ''National Assisted Living Week''. **Page S11279**

Little Rock Central High School: Senate agreed to S. Res. 301, recognizing the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement. **Page S11279**

Museum of the History of American Diplomacy: Senate agreed to S. Res. 253, expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor. **Pages S11279–80**

Marquis de Lafayette 250th Anniversary: Senate agreed to S. Res. 310, commending the city of Lafayette, Louisiana, for engaging in a year-long celebration of the 250th anniversary of the birth of Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, commonly known as the Marquis de Lafayette.

Page S11280

National Ovarian Cancer Awareness Month: Senate agreed to S. Res. 311, supporting the goals and ideals of National Ovarian Cancer Awareness Month. **Pages S11280–81**

Conference Reports:

Higher Education Access Act Conference Report: By 79 yeas to 12 nays (Vote No. 326) Senate agreed to the conference report to accompany H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. **Pages S11241–63**

Barrasso Maiden Speech—Agreement: A unanimous-consent agreement was reached providing that after the votes on the confirmations of the nominations of William Lindsay Osteen, Jr., to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, to be United States District Judge for the Western District of North Carolina, and Janis Lynn Sammartino, to be United States District Judge for the Southern District of California, that Senator Barrasso be recognized to speak in morning business. **Pages S11256–57**

Transportation, Housing and Urban Development, and Related Agencies Appropriations

Act—Agreement: A unanimous-consent agreement was reached providing that on Monday, September 10, 2007, at the conclusion of the remarks from Senator Barrasso, Senate begin consideration of H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008. **Pages S11256–57**

Osteen/Reidinger/Sammartino Nominations—Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Monday, September 10, 2007, Senate begin consideration of the nominations of William Lindsay Osteen, Jr., to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, to be United States District Judge for the Western District of North Carolina, and Janis Lynn Sammartino, to be United States District Judge for the Southern District of California; that there be 60 minutes of debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees; provided further, that at 11 a.m., Senate vote on confirmation of the nominations, respectively. **Pages S11256–57**

Nominations Received: Senate received the following nominations:

Walter Lukken, of Indiana, to be Chairman of the Commodity Futures Trading Commission.

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic.

Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, Department of Homeland Security. **Page S11281**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Vincent Obsitnik, of Virginia, to be Ambassador to the Republic of Slovenia, which was sent to the Senate on July 25, 2007. **Page S11281**

Additional Cosponsors: **Pages S11269–70**

Statements on Introduced Bills/Resolutions: **Pages S11270–71**

Authorities for Committees to Meet: **Page S11271**

Privileges of the Floor: **Page S11271**

Text of H.R. 2642 as Previously Passed: **Pages S11271–78**

Record Votes: One record vote was taken today. (Total—326) **Page S11256**

Adjournment: Senate convened at 8:55 a.m. and adjourned at 12:29 p.m., until 10 a.m. on Monday, September 10, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11281.)

Committee Meetings

(Committees not listed did not meet)

GOVERNMENT ACCOUNTABILITY OFFICE'S ASSESSMENT ON 18 IRAQ BENCHMARKS

Committee on Armed Services: Committee concluded a hearing to examine a report of the Government Accountability Office's assessment of 18 Iraq benchmarks, including the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), after receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3494–3507; and 5 resolutions, H. Con. Res. 206–207 and H. Res. 640–642, were introduced. **Pages H10318–19**

Additional Cosponsors: **Page H10319**

Report Filed: A report was filed today as follows:

H.R. 3246, to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation, with an amendment (H. Rept. 110–321, Pt. 1). **Page H10318**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pomeroy to act as Speaker pro tempore for today. **Page H10247**

College Cost Reduction Act of 2007: The House agreed to the conference report to accompany H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget

for fiscal year 2008, by a yea-and-nay vote of 292 yeas to 97 nays, Roll No. 864.

Pages H10259–70, H10307–08

H. Res. 637, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 220 yeas to 185 noes, Roll No. 861, after agreeing to order the previous question.

Pages H10255–58, H10259

Patent Reform Act of 2007: The House passed H.R. 1908, to amend title 35, United States Code, to provide for patent reform, by a recorded vote of 220 ayes to 175 noes, Roll No. 863.

Pages H10270–H10307

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. **Page H10285**

Accepted:

Pence amendment (No. 5 printed in H. Rept. 110–319) that prohibits a post-grant review from being instituted based upon the best mode requirement of patent law; **Pages H10303–06**

Issa amendment (No. 2 printed in H. Rept. 110–319) that permits applicants to delay publication of applications until the later of (1) three months after a second PTO decision or (2) 18 months after the filing date (after agreeing by unanimous consent to withdraw the earlier request for a recorded vote); **Pages H10297–98, H10306**

Issa amendment (No. 3 printed in H. Rept. 110–319) that amends the section relating to United States Patent and Trademark Office regulatory authority by adding the requirement that Congress be provided 60 days to review regulations before they take effect (after agreeing by unanimous consent to withdraw the earlier request for a recorded vote);

Pages H10298–H10300, H10306

Jackson-Lee (TX) amendment (No. 4 printed in H. Rept. 110–319) that requires the Director of the United States Patent and Trademark Office to conduct a study of patent damage awards in cases from at least 1990 to the present where such awards have been based on a reasonable royalty under Section 284 of Title 35 of the United States Code and requires the Director of the PTO to submit findings to Congress no later than one year after the Act's enactment (after agreeing by unanimous consent to withdraw the earlier request for a recorded vote); and

Pages H10300–03, H10306

Conyers manager's amendment (No. 1 printed in H. Rept. 110–319) that incorporates a number of revisions including revisions to the sections on damages, willful infringement, prior user rights, post-grant review, venue, inequitable conduct, applicant disclosure information and inventor's oath requirements, among others (by a recorded vote of 263 ayes to 136 noes, Roll No. 862). **Pages H10292–97, H10306**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H10308**

H. Res. 636, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 181 nays, Roll No. 860, after agreeing to order the previous question.

Pages H10249–55, H10258–59

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, September 19th. **Page H10310**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, September 10th for morning hour debate; that when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, September 11th; that when the House adjourns on that day, it adjourn to meet 10 a.m. on Friday, September, 14th; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, September 17th for morning hour debate. **Page H10310**

Senate Messages: Messages received from the Senate today appear on pages H10259 and H10308.

Amendments: Amendments ordered printed pursuant to the rule appear on page H10321.

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H10258–59, H10259, H10306, H10307, and H10307–08. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 4:52 p.m.

Committee Meetings

BRIEFING—UPDATE ON GERMANY AND DENMARK ARRESTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the Germany and Denmark Arrests. The Committee was briefed by departmental witnesses.

BRIEFING—IRAQ NATIONAL INTELLIGENCE ESTIMATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Iraq National Intelligence Estimate. The Committee was briefed by departmental witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of September 10 through September 15, 2007

Senate Chamber

On Monday, at 10 a.m., Senate will begin consideration of the nominations of William Lindsay Osteen, Jr., to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, to be United States District Judge for the Western District of North Carolina, and Janis Lynn Sammartino, to be United States District Judge for the Southern District of California, and after a period of debate, vote on the confirmations of the nominations at 11:00 a.m.; following which, Senator Barrasso will be recognized to speak in morning business; following which, Senate will begin consideration of H.R. 3074, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

During the balance of the week Senate will consider any other cleared legislative and executive business, including appropriation bills and conference reports, when available

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 11, Subcommittee on Defense, business meeting to mark up H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, 10 a.m., SD–192.

September 12, Full Committee, business meeting to mark up H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, 10 a.m., SD–106.

September 12, Subcommittee on Financial Services and General Government, to hold hearings to examine enhancing the safety of toys relating to lead paint, the Consumer Product Safety Commission, and toy safety standards, 11 a.m., SD–192.

Committee on Armed Services: September 11, to hold hearings to examine the situation in Iraq, focusing on the progress made by the Government of Iraq in meeting benchmarks, 2 p.m., SH–216.

Committee on the Budget: September 11, to hold hearings to examine health care and the federal budget, focusing on options for achieving universal health coverage, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: September 12, Subcommittee on Interstate Commerce, Trade, and Tourism, to hold hearings to examine the Federal Trade Commission Reauthorization, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: September 11, Subcommittee on National Parks, business meeting to consider S. 127, to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge, S. 327 and H.R. 359, bills to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 868, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, S. 1051, to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution, S. 1184 and H.R. 1021, bills to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, S. 1247, to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, S. 1304, to amend the National Trails System Act to designate the Arizona National Scenic Trail, S. 1329, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, H.R. 807, to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System, and H.R. 759, to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library", 2:30 p.m., SD–366.

September 12, Full Committee, to hold hearings to examine S. 2017, to amend the Energy Policy and Conservation Act to provide for national energy efficiency standards for general service incandescent lamps, 10 a.m., SD–366.

Committee on Finance: September 11, to hold hearings to examine the United States-Peru Trade Promotion Agreement, 10 a.m., SD–215.

Committee on Foreign Relations: September 11, to hold hearings to examine Iraq, focusing on the Crocker-Petraeus report, 9:30 a.m., SH–216.

September 11, Full Committee, business meeting to consider S. 968, to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, S. 805, to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, S. 1839, to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya, S. 2020, to reauthorize the Tropical

Forest Coral Conservation Reauthorization Act of 2007, H.R. 1678, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, patent Law Treaty and Regulations Under the Patent Law Treaty (the ''Treaty''), done at Geneva on June 1, 2000, between the Governments of 53 countries including the United States of America (Treaty Doc. 109–12), the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the ''Agreement''), adopted in Geneva on July 2, 1999, and signed by the United States on July 6, 1999 (Treaty Doc. 109–21), the Singapore Treaty on the Law of Trademarks (Treaty Doc. 110–2), Protocol to the 1951 Treaty of Friendship, Commerce, and Navigation between the United States and Denmark (Treaty Doc. 108–8), and the nominations of Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development, Harry K. Thomas, Jr., of New York, to be Director General of the Foreign Service, Nancy Goodman Brinker, of Florida, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service, and Ned L. Siegel, of Florida, to be Ambassador to the Commonwealth of The Bahamas, 2:15 p.m., S–116, Capitol.

Committee on Homeland Security and Governmental Affairs: September 10, to hold hearings to examine confronting the terrorist threat to the Homeland, six years after 9/11, 9:30 a.m., SD–342.

September 12, Full Committee, to hold hearings to examine the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: September 12, to hold hearings to examine regulatory preemption relating to federal agencies usurping congressional and state authority, 11 a.m., SD–226.

Committee on Rules and Administration: September 12, to hold a hearing to examine the nomination of Robert Charles Tapella, of Virginia, to be Public Printer for the Government Printing Office, 10 a.m., SR–301.

Select Committee on Intelligence: September 11, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Armed Services, September 10, full Committee and the Committee on Foreign Affairs, joint hearing on the status of the war and political developments in Iraq, 12:30 p.m., 345 Cannon.

Committee on Education and Labor, September 10, hearing on proposals to reauthorize the Elementary and Secondary Education Act, 10 a.m., 2175 Rayburn.

September 12, hearing on Why Weren't 9/11 Recovery Workers Protected at the World Trade Center? 10 a.m., 2175 Rayburn.

Committee on Science and Technology, September 11, hearing on Bridge Safety: Next Steps To Protect the Nation's Critical Infrastructure, 10 a.m., 2318 Rayburn.

Committee on Small Business, September 11, hearing on SBA Contracting Programs, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 11, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Readiness in the Post-Katrina and Post-9/11 World: An Evaluation of the New National Response Framework, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

10 a.m., Monday, September 10

Senate Chamber

Program for Monday: Senate will begin consideration of the nominations of William Lindsay Osteen, Jr., to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, to be United States District Judge for the Western District of North Carolina, and Janis Lynn Sammartino, to be United States District Judge for the Southern District of California, and after a period of debate, vote on the confirmations of the nominations at 11 a.m.; following which, Senator Barrasso will be recognized to speak in morning business; following which, Senate will begin consideration of H.R. 3074, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, September 10

House Chamber

Program for Monday: To be announced.

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