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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 2007.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

PRAYER

Rabbi Frederick L. Klein, Director of Community Chaplaincy, Greater Miami Jewish Federation, Miami, Florida, offered the following prayer:

O God who knows the hidden chambers of the human heart.

Last week, Jews worldwide prayed during Rosh Hashanah, the Jewish new year. Just as Jews prayed for renewed clarity, purpose, and conviction, I ask You, all discerning God, to awaken within all our hearts the spirit of renewal—when our eyes have been dimmed, when our feet have led us down the wrong path, when our necks have been stiffened, when our ears are closed.

Call to us, O Lord. Open our eyes to see the suffering and needs of others, lead our feet down the path of righteousness, cause our necks to be flexible in order to change course when necessary, unblock our ears to hear the perspectives and opinions of others. But, most importantly, open our hearts and remind us of our loftiest visions for ourselves and for our great country.

May we be stirred by the words of the psalmist: ''Who may ascend the hill of the Lord and who may stand in His holy place? He who has clean hands and a pure heart.''

May the hill that we stand on today be blessed with these great ideals, and may God bless the holy work that you do. Amen.

THE JOURNAL

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

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

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

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

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

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan 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.

WELCOMING RABBI FREDERICK L. KLEIN

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to commend my good friend, Rabbi Fred Klein, for his uplifting prayer that he delivered for us this morning, as well as for his tireless efforts to strengthen the Jewish community in my home district of South Florida.

Rabbi Klein serves as the Director of Community Chaplaincy at the Greater Miami Jewish Federation and is the Executive Vice President of the Rabbinical Association of Greater Miami. In these roles, Rabbi Klein offers counsel to the physically and mentally ill in their greatest times of need.

I have long been aware of Rabbi Klein's commitment and contributions

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to academia, to the Jewish community, and the social welfare of all of South Florida. But his greatest achievement, Mr. Speaker, is his family, including his four children, Moshe who is 11, Shuli who is 9, Benny is 6 years old, and Aryeh almost 4.

The opening prayer that Rabbi Klein delivered today reflects his intellectual fiber, as well as his determination to improve our community and our country. I thank Rabbi Klein for his invocation, and I look forward to working with him in the years ahead.

IRAQ DEPRESSING NEWS

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

Mr. BLUMENAUER. Mr. Speaker, as we have been greeted with a torrent of depressing news about Iraq, more violence, there is debate here about whether or not it is progress that the President plans to have the same troop level next summer that we had before the surge.

There is no good way out. Keep the troops there and have bloodshed; have them leave and have bloodshed. But there is one thing that every Member of Congress ought to be able to agree upon, no matter what their position on the war in Iraq: That we have a moral and practical responsibility to step up and help those Iraqis who have put their life at risk because they help Americans as guides, as translators. As Ambassador Ryan Crocker pointed out this last week, it is time for us to step up and help these people.

The Department of Homeland Security needs to have more people processing applications for those that are trying to escape the worst humanitarian crisis in the world other than Darfur. Don't make them leave Iraq for Syria or Jordan to apply when we have the largest embassy in the world in Baghdad. Support our comprehensive bipartisan legislation, H.R. 2265, to help meet that responsibility.

ULTRASOUND: THE STETHOSCOPE OF THE 21ST CENTURY

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise to recognize the talented and dedicated students, faculty, and staff of the School of Medicine of the University of South Carolina for the innovative work they are doing in the development and use of ultrasound technology.

Often called the stethoscope of the 21st century, ultrasound holds great potential for future advancements in medicine. With the growing portability and accessibility of modern ultrasound devices, this technology will help physicians better diagnose and treat patients for conditions such as heart failure, gallstones, aneurysms, and much more, particularly in rural areas. USC is leading the way by establishing an ultrasound institute to ensure graduates are well trained in the use of ultrasound technology.

I appreciate Dr. Richard Hoppman, Dr. Prakash Nagarkatti, and Dr. Stanley Fowler for taking the time to introduce me to this training program, as well as for the extraordinary work they are doing on behalf of the USC community in the advancement of health care.

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

ARMY STAFF SERGEANT MORGAN D. KENNON

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

Mr. COHEN. Mr. Speaker, 4 years ago, Army Staff Sergeant Morgan D. Kennon became the first victim of the Iraqi war from the city of Memphis.

Staff Sergeant Kennon joined the Army immediately after high school, hoping to earn enough money for college and eventually become a lawyer. He was guarding a bank in Mosul when he was killed.

His father said, ''He was a beautiful kid. He was a serious-minded youngster who was devoted to fulfilling his mother's wishes. If his mother needed anything, instead of being out in a park playing basketball, it was his joy to go out and do whatever he had to do to help her.''

On 9/11, I received an e-mail from his sister, Miss Nicole Crawford. I will read it:

''I am the sister of Staff Sergeant Morgan Kennon. I just wanted to know exactly what you and other Members of Congress and Members of the Senate are doing to bring our troops home. It has been almost 4 years since my brother was killed, and we still don't know why he was killed.

''Mr. COHEN, it is not just hard for the soldiers serving in Iraq, it is hard for their families also who worry about them. It is especially hard for the families that have lost loved ones in Iraq.

''Please don't take this the wrong way, but if the Democrats don't do something soon and force Mr. Bush's hand, there will not be a Democrat in the White House next year. The people of this country voted for the Democratic Party because they want change.''

Ms. Crawford, I am for change. I am not going to vote for any additional funds but to redeploy our troops. I feel your pain.

THE FIGHT FOR JOBS CONTINUES

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

Mrs. MILLER of Michigan. Mr. Speaker, at this moment in Detroit the leaders of the UAW and the domestic auto industry, the Big 3, are busy at the negotiating table trying to come to agreement on a new contract. In these negotiations, both sides will be making tremendous concessions in the effort to restore the industry to profitability and to protect jobs. They are dealing with very difficult issues like retiree health care as well as pension reform.

I wish them luck, sincere good luck, because the future of my home State of Michigan and of manufacturing in America are at stake as are literally millions of American jobs. We should all support them in their efforts to strengthen this vital industry. What we should not do is pull the rug out from under them by enacting draconian and arbitrary fuel efficiency standards that would kill jobs while doing nothing to lessen our dependence on foreign oil.

Both management and labor are making hard choices. They are working together to build a better future and a better industry. And in the same spirit, we here at the Federal Government should partner with our auto industry to help move forward technology that would actually solve the problems and create new jobs.

While those involved in negotiations are trying to find common ground to save jobs, Congress should not be working to destroy them.

PROVIDE OUR CHILDREN WITH HEALTH CARE

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

Mr. HALL of New York. Mr. Speaker, the Bush administration's recent decision to reject New York's plan to provide health insurance for uninsured children is just another example of how out of touch the President is with the needs of the American people.

Last year, the number of uninsured children in the Nation increased to over 8.6 million, an increase of over 600,000 children. The State of New York has committed to decrease this number, starting with our lowest income families. However, the onerous conditions placed by this administration are threatening to thwart New York's efforts.

That any Americans have no health insurance is a travesty; that so many do is a tragedy of the highest proportion.

Providing our children with health care is protecting America's future. It is difficult to imagine why the President wants to stop New York from protecting the health of its children. But this decision suggests just that. We must not allow this to stand. I am committed to working with my colleagues to do what must be done to overturn this misguided decision.

''NO FLAG HERE''

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

Mr. POE. Mr. Speaker, on September 11th, America honored those murdered by people who kill in the name of religion.

Americans held solemn tributes, prayers, and raised Old Glory across the plains and prairies of this heartland. But no American flags were displayed by students at Hobbton High School in North Carolina. The superintendent of this government school district banned the display of any country's flag on the clothing of students. Dr. Hobbs said disruptions have been caused in the school by the wearing of certain national flags. So on this almost holy day of September 11th, no American flags were allowed on clothes at this American school.

Dr. Hobbs, if you are going to ban the display or the wearing of flags, ban foreign ones, not the ones that fly over this Nation—the American flag.

Have we become so timidly concerned about offending foreigners that we now disrespect our Nation by banning the American flag? This unpatriotic paranoia is an insult to this Nation and the students of your school, and the superintendent should be ashamed. Mr. Hobbs, Betsy Ross would not be proud of you.

And that's just the way it is.

ALAN GREENSPAN AND THE BUSH ADMINISTRATION

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

Mr. EMANUEL. Mr. Speaker, in Alan Greenspan's recently released memoir, President Bush and the Republicans in Congress come in for some sharp criticism.

Reuters said of the book, ''Mr. Greenspan sharply criticizes President Bush's administration and Republican congressional leaders in his memoir for putting political imperatives ahead of sound economic policies.''

The New York Times said of Mr. Greenspan's book described, ''The Bush administration is so captive to its own political operation that it paid little attention to the fiscal discipline for the Nation.''

Increasing America's debt by $3 trillion, the same fiscal discipline we had in the 1990s, the pay-as-you-go rules, led to a $5 trillion surplus when President Bush took office and has led to a $3 trillion debt increase under President Bush and the Republicans.

The fiscal discipline that we had in the 1990s is exactly what the Democrats have put in place in this new Congress, hoping to put in place the fiscal type of discipline and the budgetary discipline that would lead us again to surpluses and balancing America's book.

And Mr. Greenspan could not have said it better, when people have taken the time to put their political interests ahead of America's long-term economic interests.

HONORING THE AIR FORCE'S 60TH ANNIVERSARY

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

Mr. STEARNS. Mr. Speaker, I rise today to honor and celebrate the 60th anniversary of the United States Air Force.

America can rightly claim to be the greatest military power. This status is due in no small part to our overwhelming supremacy in air and space. Air Force men and women have produced an unsurpassed record of achievement. Never before has our ability to project military power depended so heavily on air and space capabilities.

As an Air Force veteran and cochairman of the House Air Force Caucus, I know firsthand how the Air Force provides our Nation a unique military advantage. However, what is most impressive is the dedication of the men and women of the United States Air Force who work hard every day to ensure air supremacy.

Let me leave you with the words of one of the Air Force founders, General Hap Arnold: ''Air power will always be the business of every American citizen.''

DEMOCRATIC CONGRESS SENDS COLLEGE COST REDUCTION ACT TO THE PRESIDENT'S DESK

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

Ms. RICHARDSON. Mr. Speaker, today is an exciting week for all Democrats because we are sending one of our top priorities to the President's desk, and that is the College Cost Reduction and Access Act.

Education departments estimate that over 200,000 academically qualified students are unable to go to college. This legislation will be the largest investment the Democratic Congress has made since 1944.

Specifically, the Pell Grant scholarships will be increased by $1,090 over the next 5 years. We will be able to cut interest rates from the current 6.8 percent to 3.4 percent, and that will save student borrowers over $4,000 over the life of their loan.

Members, this is great news, and it is great news to taxpayers, because we have been able to utilize eliminating excessive Federal subsidies from the lenders in the industry to bear the cost of this program . . . and not the taxpayers.

This is a personal story for me. I have been working since the age of 12. I took out student loans and was able to get my education because of programs like this.

Mr. Speaker, this is a great day for students and Democrats in this Congress to send the college cost reduction act to the Presidents desk.

HEADING TOWARD A FISCAL TRAIN WRECK

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as we come to the floor 9 months into the control of this House and this country by the Democratic majority, we have to ask ourselves, what has it brought? Well, it has brought us expanded government programs outside the area of jurisdiction, increase in Federal spending, and of course efforts to raise taxes on Americans.

Just at the very beginning of this year, it was the largest tax increase in U.S. history. A short time ago, it was a $53 billion increase through the SCHIP program. On spending, it was a $1 billion program just yesterday tried to do. And, of course, there is a litany of earmarks that we still don't know where it is going to and who is sponsoring it.

It was a Republican majority that forced the Democrats to give us a list of all the earmarks in their spending and have asked for more transparency. But I want to remind the American public, to this day we still do not have a list of all the earmarks, who is sponsoring them, and where the dollars are going to.

I encourage the Democrat majority to do as the American public must do, to live within their means, and to be open and honest as to where the American tax dollars are going to.

□ 1015

ENOUGH IS ENOUGH

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

Mr. HODES. Mr. Speaker, President Bush has called for more money, more patience, and a renewed commitment of U.S. troops in Iraq for the foreseeable future. The American people should not be fooled. This is nothing more than another stay-the-course strategy that puts us on a path for 10 years of war in Iraq.

Under the Bush plan, about 5,700 troops, or about 3.5 percent, of the American forces in Iraq would come home later this year. That's it. The rest of our troops would remain in Iraq until at least next summer. The President anticipates that at least 130,000 American men and women would remain in Iraq indefinitely for many years to come.

The President's plan for Iraq amounts to an open-ended and dangerous commitment of American troops in Iraq, and an open wallet for the American people to pay.

Mr. Speaker, this is not a plan for success in Iraq, nor is it a plan that will make America safer. It is time for my Republican colleagues to stand up to this President and say enough is enough. Democrats will continue to demand change because it is time that we

begin a responsible redeployment out of Iraq.

THE MILITARY SURGE IS WORKING

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

Mr. PENCE. Mr. Speaker, through a hailstorm of political attacks that continue on the floor of the Congress this morning, last week, America's two lead men in Iraq brought news to this Congress which should be welcome to every American family.

Despite the lack of political progress at the national level in Iraq, the military surge is working. And because the surge is working, our troops can start coming home.

I urge every American to tune out the rhetoric in Washington, D.C. and read the report. But don't just read the testimony of General David Petraeus and Ambassador Ryan Crocker; read the recent report issued by the more liberal-leaning Brookings Institution. In each case, our men and that liberal think tank found civilian deaths are down. Sunni leaders are cooperating with U.S. forces, and al Qaeda is on the run in Baghdad and Anbar province. These independent assessments should be read by every American, and every American should be encouraged; for even to a war-weary Nation, I say, if we do not grow weary in doing well, freedom will prevail in Iraq.

TIME TO BRING OUR TROOPS HOME

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

Ms. SHEA-PORTER. Mr. Speaker, we now know what the President's plan for Iraq is: it's just stay. Stay for how long? He doesn't know. We don't really have a plan, but we do know that we have not succeeded in Iraq. In spite of the efforts of our brave soldiers, in spite of the 10 to $12 billion a month that we have spent, in spite of all of our efforts, we have not succeeded.

Now, if you look at the independent nonpartisan reports on Iraq, you find that 100,000 Iraqis are moving from their communities every single month. Why would 100,000 Iraqis move from their homes, from their schools, from their lives? They're moving because they're not safe.

We have militia roaming around. We've had ethnic cleansing in Baghdad. If you look at the maps of the neighborhoods, 2005 and now 2007, you realize that the Iraqis are not living together any longer. We have ethnic cleansing.

We also know that the Iraqi Parliament, more than half of the Iraqi Parliament, signed a petition asking Americans to go home.

We also know that the Iraqis wanted to take a 2-month vacation in 140-degree weather while our troops were struggling. It is time to bring our troops home and look at American benchmarks.

COLLEGE COST REDUCTION AND ACCESS ACT

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

Mr. ARCURI. Mr. Speaker, this week the Democratic Congress makes college more affordable for American students and families by sending the College Cost Reduction and Access Act to the President. After initially threatening a veto, President Bush now says he will sign the bill into law. That's good news for millions of students and their families who are trying to figure out how they're going to afford a college education.

Under President Bush, college tuition has increased 40 percent over inflation, putting college out of reach for many. While college costs have increased over the last 7 years, Pell Grants and other Federal aid have remained flat, which has created an imbalance in the grant-to-loan ratio that students face. For some who are fortunate enough to attend college, they are leaving with more than $20,000 in loan debt.

Our legislation begins to remedy that imbalance by providing the largest investment in college funding since passage of the GI Bill in 1944. Under our legislation, we increase Pell Grant scholarships by more than $1,000, and we cut student interest rates in half.

Mr. Speaker, Democrats promise to make college more affordable this week, and we are living up to that promise.

PROVIDING FOR CONSIDERATION OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 650 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 650

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. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further 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 further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1852 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

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

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Ms. MATSUI. Mr. Speaker, as the Clerk just read, H. Res. 650 provides for consideration of H.R. 1852, the Expanding American Homeownership Act, under a structured rule. The rule provides 1 hour of general debate to be controlled by the Committee on Financial Services. The rule makes in order seven amendments printed in the Rules Committee report.

This bill is being considered under a structured rule that will allow the House to consider amendments to address important issues with regard to this legislation. I look forward to the debate on the important issue before us today.

I rise today in support of the rule providing for the consideration of the Expanding American Homeownership Act and for the underlying legislation. I thank Subcommittee Chairwoman WATERS for offering this bill. I thank Chairman FRANK and Ranking Member BACHUS for their hard work, along with the other members of the Financial

Services Committee, in bringing this important legislation to the floor.

The bill underlying this house resolution addresses an issue of critical importance to our constituents and to our economy, the subprime mortgage lending crisis. We are here today to consider reforming the Federal Housing Administration's loan policies as a means of stemming the tide of foreclosures that have besieged our Nation.

Owning a home is part of the American Dream, but predatory lenders have been crushing that dream by taking advantage of home buyers with damaged credit. Lured by attractive initial terms, vulnerable home buyers who do not qualify for federally backed loans take on subprime mortgage loans that they cannot afford. These loans come with escalating interest rates which start low and encourage overborrowing. The borrowers learn too late, when their homes are foreclosed upon, that they will not be able to afford those higher payments.

We are now faced with the unfortunate situation that our residents are losing their homes in record numbers. The increasing rate of foreclosure continues to make the news in California and across the Nation. Data released just last month show the rising foreclosure rates in cities across the country. The numbers are as high as one foreclosure in every 27 households. That is not acceptable.

And the housing market continues to suffer. Last week a report from my Sacramento district cited a more than 13 percent drop in the median home prices in the past year. That is the largest 1-year drop in 20 years.

□ 1030

Despite good economic growth in the region, the housing market is in trouble. Many point to the subprime mortgage crisis to explain this. Trends like this can be seen across the country, not just in Sacramento.

The administration wants to allow 80,000 people to refinance their loans through FHA. That is good but it is not going to address the scope of this problem. More than 2 million adjustable rate mortgages are up for reset this fall, at which time their interest rates will increase. Two million mortgages, that is 2 million more families who will be at risk at losing their homes if they cannot keep up with the higher payments. This pattern cannot continue.

The housing market crunch, driven by the subprime mortgage lending troubles, is making waves throughout our economy. Over the past few months, we have seen the Federal Reserve cut its discount rate and make an additional $62 billion available to try to stabilize the real estate financial market. Last month, Countrywide Financial, the largest home mortgage lender, was trading at levels comparable to junk bonds. And, lastly, AIG, the world's largest insurer and one of the biggest mortgage lenders, stated that delinquencies and foreclosures are becoming more common among borrowers whose credit rates are just above subprime. So the problem is getting worse, not better. Congress needs to act and we need to act now.

The bill we are considering today will overhaul the Federal Housing Administration to make federally backed loans competitive with subprime and other nontraditional mortgage loans. We need to make sure that subprime mortgages are properly regulated to get our home buyers into good loans and rein in predatory lenders. The bill authorizes FHA to offer loans with little or no down payment and directs it to approve loans to borrowers with higher credit risk than is currently allowed. These measures will enable FHA to compete with the introductory teaser rates advertised by subprime lenders.

The bill will raise the single-family loan limit, enabling families who live in more expensive areas, such as California, to qualify for FHA-backed loans. The FHA has virtually no presence in expensive areas where the average price of a home already exceeds the FHA loan limit. Increasing access to FHA-backed loans will give many thousands of our constituents the stable financing terms that they need to keep up with their payments and stave off foreclosure.

Furthermore, this bill offers relief to our seniors. Seniors are often targeted by subprime loans, especially for reverse mortgages. Seniors who own their homes but who have limited financial resources might need to mortgage their homes to pay for other expenses. This bill eliminates the cap on FHA reverse mortgages to meet with growing needs of our seniors in tight financial times.

Finally, the legislation directs surplus FHA funds to a housing counseling program as well as to an affordable housing fund. In this way the legislation will ensure that borrowers have the opportunity to achieve the dream of owning a home as well as to become educated about their mortgage options and what it will mean in the long term.

The mortgage lending troubles are getting out of control. This bill will take an important first step toward reining in a disturbingly high rate of foreclosure. Later this week Chairman FRANK will hold a hearing with Federal Reserve Chairman Bernanke and other administration officials to look for additional legislative and regulatory solutions to this growing problem. Ensuring that FHA lending policies are up to date and competitive in the current market is a good start.

This bill will ensure that our fellow Americans have better federally backed choices to buy a home. This bill will curtail the spread of subprime lending and get more of our homeowners into mortgage loans with stable interest rates and transparent terms. This is a step in the right direction.

This is a bipartisan issue. The House passed similar legislation in the 109th Congress. This bill expands upon that legislation, reflective of the growing crisis. We need to pass this bill. Our constituents need this bill to keep their homes, and we need to work with our colleagues in the Senate to get this bill to the President.

I look forward to the debate on the Expanding Homeownership Act and hope that my colleagues on both sides of the aisle will join me in supporting this rule and the underlying bill.

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

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

I rise in reluctant opposition to this unnecessarily restrictive rule and to a number of the provisions included in the underlying legislation in its current form. While I appreciate and support the committee's effort to provide for the safety and soundness of our Nation's housing financial system and our broader financial system, this legislation has a number of avoidable shortcomings, and I hope that at least some of them would be corrected during the restrictive amendment process provided for by this rule.

The Federal Housing Administration was created by the National Housing Act of 1934 to broaden homeownership, protect lending institutions, and to stimulate the home construction industry. In addition to providing stability and liquidity to the mortgage market, the FHA's efforts have led to the creation of the 30-year mortgage product and mortgage instrument standardization, both of which have contributed to the growth of our modern housing financial marketplace. And, as one of the very few Federal Government agencies to operate entirely on fees derived from the program, the FHA has accomplished all of this with no taxpayer dollars or subsidy.

The legislation that has been brought to the House floor today includes a number of important modernization provisions that will help American families across this country to own their own homes, like: increasing the FHA loan limit for high-cost areas, providing for flexible down payment requirements, simplified and improved condo loan requirements, and an expansion of the ability to utilize home equity conversion mortgages.

This bill closely mirrors H.R. 5121, Republican legislation that passed overwhelmingly last Congress, and would also supplement the FHA Secure Initiative unveiled by President Bush at the end of August. This program, which is aimed at borrowers who have fallen behind on their payments after a mortgage rate reset, is projected to help a quarter of a million families over the next year. By helping first-time, owner-occupied home buyers refinance into mortgages that they can afford, this already implemented program will help families and stabilize communities, while targeting this support to the real families in need and

away from speculators who do not need help from the Federal Government.

Unfortunately, despite all the positive elements included in this legislation, I do believe that this bill could be vastly improved. Chief among the problems with this legislation is its establishment of a new line of income for a poorly defined affordable housing grant fund linked to increased FHA receipts. FHA receipts are already recognized for future budgeting purposes to help determine subsequent affordable housing program appropriations at HUD, with any extra revenue from these programs deposited in the U.S. Treasury as a benefit to taxpayers. This legislation would divert this revenue to a housing fund with a poorly defined mission, reducing resources available for other existing HUD programs that already assist low-income families and individuals.

I believe it is bad public policy to tie the fate of families that need housing support to the success or failure of the FHA to bring in surplus revenue. Even worse, because the affordable housing funds would come from fees related to conforming loans and reverse mortgages, this bill levies a new stealth tax on the most modest home buyers and on seniors without even disclosing to them the costs associated with this new Federal mandate.

Other problems with H.R. 1852 include its failure to provide the FHA with the flexibility needed to implement risk-based pricing, which limits consumer choice as well as the FHA's ability to help additional home buyers. This bill's proposed 2 percent limit on home equity conversion mortgage loan origination fees proposed in the legislation, which attempts to protect senior citizens from potentially abusive lending practices, may also unnecessarily limit choice and flexibility in a changing marketplace.

Mr. Speaker, I would like to thank committee ranking Republican SPENCER BACHUS; subcommittee ranking Republican JUDY BIGGERT; and the incoming ranking Republican on the Housing and Community Opportunity Subcommittee, my former Rules Committee colleague, SHELLEY MOORE CAPITO, for all their hard work on this legislation.

Mr. Speaker, I will also insert in the CONGRESSIONAL RECORD the Statement of Administration Policy regarding this legislation and would like to take this opportunity to thank two people for their hard work from the White House, White House aides Chris Frech and Marty McGuinness, who have provided important information not only on this but worked with Members to make sure that they understood the White House's position on this issue.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 17, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1852—EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007 (REP. WATERS (D) CA AND 13 COSPONSORS)

The Administration supports legislation to modernize and reform the National Housing Act (NHA) and to ensure that the Federal Housing Administration (FHA) continues to play a key role in serving low- and moderate-income homebuyers. The President has called on Congress to expeditiously pass the Administration's FHA Modernization bill to assist more homeowners during this period of stress in the mortgage markets. H.R. 1852, as reported by the House Financial Services Committee, includes provisions that are essential to maintaining FHA's core mission of expanding homeownership opportunities for borrowers who are underserved, or not served, by the existing conventional mortgage marketplace. The legislation makes critical improvements to the statutory scheme of the NHA, and these improvements have also been proposed by the Administration. Nonetheless, the Administration has a number of significant concerns with H.R. 1852, which the Administration looks forward to addressing with Congress as the bill moves through the legislative process.

As proposed by the Administration, the legislation authorizes an increase in FHA loan limits from $362,000 to $417,000 or 100 percent of the Federal Home Loan Mortgage Corporation (Freddie Mac) conforming loan limit in high-cost areas, and from $200,000 to $271,000 in lower-cost areas. These changes are needed to adapt the program to increasing home prices. The Administration strongly opposes amendments that would authorize FHA guarantees of loans greater than the conforming loan limit as the program should remain targeted to traditionally underserved homebuyers, such as low- and moderate-income families.

Additionally, the legislation authorizes FHA to utilize risk-based premium pricing to more appropriately match premiums to borrower risk, based on measures such as the size and source of their downpayment and their credit scores. Consistent with current mortgage lending practices, the legislation includes the option to extend the maximum mortgage term from 35 to 40 years. Finally, with respect to FHA's Home Equity Conversion Mortgage (HECM) Program, the legislation removes the statutory volume cap on the number of reverse mortgages that may be insured by FHA, while permitting HECMs for use in condominium units and purchase transactions. Each of these improvements enables FHA to serve a larger number of targeted homebuyers, in more areas of the nation, than are being served under the present program.

While the Administration strongly supports Federal assistance to individuals and families that lack the means to afford adequate housing, the Administration strongly opposes the establishment of a new Affordable Housing Grant Fund linked to increased FHA receipts. FHA receipts are already credited toward HUD appropriations and a new program that attempts to divert this revenue would reduce resources available for other HUD programs that assist low income families and individuals. Furthermore, tying financing for the fund to FHA receipts would be counter-productive since FHA receipts annually fluctuate based on housing market conditions and bear little relation to any potential program funding needs. Many of the proposal's details are also undefined and unclear; therefore, the specifics may raise additional policy concerns.

The Administration strongly supports flexible downpayment options, but opposes a provision in H.R. 1852 that limits their benefits to first-time homebuyers. Such a limitation would hinder the ability of some current homeowners to refinance into an FHA-insured loan. By removing this limitation, FHA could help provide existing homeowners with additional flexibility in managing the mortgage debt.

The Administration also has concerns that H.R. 1852 does not provide FHA with the necessary flexibility to implement risk-based pricing, thereby limiting consumer choice as well as FHA's ability to help additional borrowers. H.R. 1852 fails to raise the statutory cap on annual premiums from 55 to 200 basis points, nor does it permit caps on upfront and annual premium combinations that would allow FHA to offer borrowers a variety of premium structures. In addition, the provision for mandatory refund of ''excess'' premium to borrowers with FICO credit scores below 560 whose loans survive more than five years undercuts the insurance principle on which FHA is based. This provision also hampers FHA's ability to serve a greater number of the borrowers this provision is purported to benefit. Because of these provisions, H.R. 1852 would lower receipts by approximately $75 million relative to the President's budget.

Generally, the Administration supports the provision in H.R. 1852 that permits an increase in mortgage insurance premiums if HUD determines that, absent such an increase, the insurance of additional mortgages would require the appropriation of new budget authority to cover the costs of such insurance. However, the requirement to do so by rulemaking is process-laden and onerous and would significantly delay and hamper HUD's ability to respond to a changing market. The Administration will work with Congress to establish a process that efficiently and effectively allows HUD to increase mortgage insurance premiums as needed.

The Administration also has concerns with the two percent limitation on HECM loan origination fees proposed in the legislation. Although the Administration applauds the attempt to protect senior citizens from potentially abusive and predatory lending practices, any such limitations should be flexible enough to respond to a changing market. Accordingly the Administration believes that such limitations should be set by the FHA through Federal Register notice or other appropriate vehicle.

In addition, the Administration is concerned that the Act revises certain recently enacted asset disposition reforms for FHA multifamily programs. This would reduce receipts by nearly $40 million. The Administration is also concerned about a provision that would make it possible for correspondent lenders to use FHA without meeting audit and net worth requirements, which could allow participation by brokers who are inadequately capitalized or have internal control difficulties.

The Administration remains committed to modernizing and reforming FHA, and looks forward to continuing to work with Congress to ensure that concerns are addressed and that the necessary reforms are part of any final legislation.

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

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

Before yielding to my next speaker, I would like to point out that the bill directs surplus funds to an affordable housing fund. This is an appropriate

use of any net FHA funds. The surplus funds are directed to a source that is consistent with the mission of this legislation: to help Americans buy homes through federally backed means.

However, for those Members who do not support this fund, I want to point out that there is an amendment made in order to strike the fund. All Members of this House will have an opportunity to vote on this important issue.

With that, Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON), a member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman for her leadership on this issue and on this rule.

Mr. Speaker, I rise in favor of this rule and in strong support of the underlying legislation, the Expanding American Homeownership Act.

Owning a home in this country is called the American Dream for many reasons: the pride of ownership, a sense of responsibility, the feeling of settling down and belonging to a community and a neighborhood. But the American Dream is in peril for many families in this country as foreclosures rise and dreams shatter.

I am sorry to report, Mr. Speaker, that in my home State of Ohio, we have the Nation's highest rate of mortgages that are seriously delinquent or in the foreclosure process. In April of this year, Ohio had nearly 12,000 default notices, auction sale notifications, and bank repositions. Sadly, one in ten Ohio homeowners with a mortgage is at least a month behind in payments and one in four with a subprime loan is delinquent or in foreclosure.

These staggering statistics are not just numbers. They are families and individuals whose American Dream is quickly becoming a nightmare. I have talked with many hardworking, proud families who are struggling to pay their mortgages and afford health insurance, struggling to put food on the table and pay for their children's college education. They are working hard and they are playing by the rules, but nonetheless the American Dream has moved out of their reach.

The homeownership crisis is part of a larger problem for our Nation where policies and laws have not worked for our low- and middle-class families the way that they should. This is unacceptable for my constituents, and it should be unacceptable for a Nation built by working men and women that prides itself on ownership, responsibility and fairness.

Mr. Speaker, the problems in the housing market are not new, but they have become what they are because of a lack of action and leadership from prior Congresses and this administration. The lack of oversight has led to the abuse of a mortgage system by unscrupulous lenders and others looking for easy profit by preying upon those who are most vulnerable. And it is wholly unacceptable that a system that should be an avenue to homeownership has instead become a path to heartache for far too many families.

Today by passing the Expanding America Homeownership Act, we take a bold step forward on what is going to be a long road to fix this broken system.

□ 1045

H.R. 1852 raises loan limits, helps reduce the burden for high-risk borrowers, expands counseling for home buyers, and provides new ownership incentives for low-income families. And these are very important and positive measures.

This is a demonstration of our commitment to restore the American Dream, but we also understand that there is no easy fix for this issue. In coming days, I plan to introduce legislation that will bring together many interests and groups involved in foreclosure and mortgage lending crisis so that we can continue to act to improve this situation. I hope that, working together, we will be able to quickly offer comprehensive and meaningful solutions to move forward.

A similar effort has been made in Ohio spurred by our new Governor, Ted Strickland. And just recently, they came back with some very important recommendations that will hopefully make a meaningful impact in the State. But we here in Congress at the Federal level need to do our part.

Mr. Speaker, never again do I want to have to hear that a family has lost their home simply because our laws and regulations have worked against them.

I urge passage of this rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, today I rise in opposition to this rule governing the consideration of H.R. 1852, the Expanding American Homeownership Act of 2007.

I had hoped that the committee would see the wisdom in providing an open rule to this important legislation; and in the absence of an open rule, that it would at least make in order those amendments that the Members took the time and effort to draft, including one of my own amendments. Unfortunately, only some of the amendments filed with the Rules Committee were made in order.

While I'm pleased that some of these amendments made in order are Republican amendments, other amendments which were offered and debated during our committee markup of this bill were not made in order. These amendments deserve to be debated and given a fair hearing.

Mr. Speaker, last year FHA's modernization bill, which passed the House by a vote of 415–7, garnered broad bipartisan support. This year's bill does not have that kind of support. I am pleased that the majority has edged closer to last year's bipartisan bill since the introduction of the new bill under consideration today.

As I pointed out during our committee hearing and markup on this bill, the bill originally excluded homeowners seeking to refinance from benefiting from a modernized FHA. The bill will now assist more homeowners, perhaps some seeking to refinance a bad subprime loan, but still not as many as last year's bill.

I continue to object to provisions that do not fully allow for risk-based pricing. Again, witnesses during our committee hearings said this would result in FHA serving fewer, not more, American borrowers. I also remain opposed to the provision that siphons money away from FHA to fund a brand-new government program, another trust fund, to build more affordable housing. While this is a very important issue, affordable housing, what we need here is to have FHA money to help those that are in trouble, facing foreclosure, or those first-time borrowers who would not be able to find a good mechanism to find a mortgage.

During committee deliberations, we were given the opportunity to debate and consider a variety of issues pertaining to this bill. Members on our side of the aisle had hoped that all Members, not just those on the Financial Services Committee, would be given the same opportunity to debate important issues on the House floor.

Republicans support many aspects of this bill, H.R. 1852; but I think we all deserve the right to participate in the amendment process, whether as a member of the committee of jurisdiction, or as a Member of the U.S. House of Representatives. Only through an open rule is that possible. For this reason, I rise in opposition to the rule being considered today and urge my colleagues to vote ''no'' on this rule.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume to make a comment before yielding to my next speaker.

I would like to point out that seven amendments were made in order. Two of the minority amendments offered were redundant changes, so one of those was made in order. And, finally, an amendment in the nature of a substitute offered by Mrs. BIGGERT was made in order. We are providing ample opportunity for debate and for Members to vote on the provisions of the bill.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill and appreciate her leadership, and particularly emphasizing the fact that the minority has the opportunity for a substitute to be offered up. So the House will have an opportunity to weigh the different approaches to determine what is truly in the best interests of American homeowners.

I welcome this legislation today. I support the rule, and I support the underlying legislation. But I hope that this will be just the start of on-going progress for dealing with what is truly a housing crisis that is enveloping this country.

While it's pleasant to read now that Alan Greenspan, as he's attempting to protect his role in history, now agrees that there were probably some mistakes that were made, not yet acknowledging the failure on the part of the Fed to step forward and deal meaningfully, using the powers that they had in the housing market. Today we see the consequences of that failure, of this Congress, a failure of being able to meaningfully deal with the protection of American homeowners.

Foreclosures are mounting by the day, but we're only seeing the tip of the iceberg, because literally tens of thousands of people every week are going to be facing a situation where adjustable rate mortgages in the months ahead are going to be exploding in much higher rates, where people are going to be paying $200, $300, $400, $500 a month, or more, higher and be trapped into these unfair subprime loans. Where there is a clear pattern of abuse of lower income, less sophisticated buyers, it's time for us to put on the table more comprehensive approaches.

Isn't it time to reconsider the draconian bankruptcy legislation that this House passed a few years ago? Maybe it is time to treat the homeowner, dealing with the most valuable asset most families have, their home, the same way that a business person who speculated in purchasing homes for investment purposes would be treated in bankruptcy. The speculative business person can readjust mortgage terms; they can negotiate interest rates in the amount of the loan. That is denied to homeowners.

Maybe it's time to consider some consumer protections. If you buy a $40 toaster that explodes, there is a Federal agency that will protect you. But if you buy a financial instrument that has a one-in-four chance of exploding in the face of the buyer, putting at risk their number one asset, there isn't any similar protections.

While I appreciate the legislation that's coming forward, I am hopeful that it is just the beginning of dealing with this ongoing problem.

Mr. SESSIONS. Mr. Speaker, I was waiting for one additional speaker, and that gentleman has not showed up at this time. I would like to inquire of the gentlewoman if she has additional speakers, or where we may stand. If I could quickly engage the gentlewoman.

Ms. MATSUI. Mr. Speaker, I am waiting for an additional speaker.

Mr. SESSIONS. The gentlewoman is waiting for an additional speaker, and I appreciate that very, very much.

Mr. Speaker, you know, we are here this morning, almost 11 o'clock in Washington, D.C. I don't know of much else we've got going here on the floor today. I think we're going to have four suspensions in addition to this bill, and yet last night the Rules Committee, our friends in the new Democrat majority, decided that they would shut down debate by having this rule without it being an open rule, shut out a number of amendments and Members who would choose to come down and debate things today. And so I'm disappointed that, in a day where really not much else is going on, that we could not include the full discussion and take this day to talk about affordable housing and where the ideas are that each and every Member might have on how we're going to increase homeownership and protect these homeowners.

I find it interesting, however, with some of the speakers that we've had today, that just a few years ago we were, with full knowledge of this United States Congress, very pleased that homeownership was increasing all across America and that credit was being extended to a number of people, including lots of families who would have an opportunity to finally own their own home. And now we find out today that, in fact, it's a lot of people who are to blame, who are these greedy people who were the lenders, who were trying to get people and bring them in to buy houses when, in fact, it was the national will. It was a good thing that they would have, virtually at no cost down, an opportunity to come and be in a house. We heard testimony where people really could get in houses for cheaper than they could living in an apartment. So millions of Americans went and did that. And they willingly signed on the line, yes, I will take this low-cost loan right now, and in 5 years I will have to go to a market-based rate to borrow the money.

This wasn't a mistake. This wasn't somebody being greedy. This was someone who was out offering an opportunity. And as all of us would have to predict the future, we don't know what the future would be, but it got people in homes, and now we do have some problems. And dealing effectively with the problem is, I think, what we should be remembered for, not looking back and saying what a bad idea it was to make sure that millions of families could get in their own homes.

So I respectfully disagree with those that come to the floor here today to argue about greed and all these people who took advantage of these poor and low-income homeowners. I think it was a good thing. I'm sorry it has not worked out in every single case. But guessing what something is going to be like in 5 years means that you have a chance to plan and be prepared for it. And so now we will be judged on how well we do to make sure that we lessen the activity of the number of people who have to bail out of their houses because they can't afford them.

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

Ms. MATSUI. Mr. Speaker, my remaining speakers are not here, so I am prepared to close if the gentleman from Texas is prepared to close.

Mr. SESSIONS. Mr. Speaker, I had anticipated and hoped that the gentleman from Georgia (Mr. PRICE) might be here. I have been notified that he is in a meeting with constituents at this time.

One of the amendments which Dr. PRICE brought to the Rules Committee yesterday, which the Rules Committee rejected on a party-line basis, was part of really the debate and discussion that I think needs to take place as we talk about taxpayer money being involved with housing in this country. And the amendment which was rejected by the new Democrat majority universally across the line, every single Democrat said, no, they did not want to hear the debate on this, and it is as follows: the amendment said that it would require that any individual or household receiving money from the affordable housing fund must present verification of legal residency by a secure identification document.

Mr. Speaker, let's be forthright about this. We have had discussion after discussion, debate after debate about health care, about public housing, about housing funds, of virtually every single topic that we get into here on the floor of the House of Representatives where we believe, the Republican Party believes, that people who are seeking assistance and help from funds, whether it be taxpayers or public systems like this that do utilize the attributes of the government, that there should be a verification that somebody is in this country legally and has legal status.

Mr. Speaker, repeatedly this new Democrat majority, whether it's for health care or whether it's now for this new housing fund, they do not want to require that someone even has to present verification of who they are. And we disagree with that. And I am sorry that the Rules Committee made a determination and the Democratic Party decided that they do not want to have to have anyone present verification of who they are or that they are in this country legally.

□ 1100

We disagree with that. I am sorry that the Rules Committee did not allow that in order for the gentleman, Mr. PRICE, to be able to argue that as part of the debate today.

So, Mr. Speaker, I will be voting ''no.'' I will be voting ''no'' on this rule because I believe that what this new Democrat majority did was to shut down debate even in a day when we have lots of time to get the best ideas on the floor and to make sure that every single Member can be heard from.

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

Ms. MATSUI. Mr. Speaker, before I close, I just want to make a comment that H.R. 1852 already has strong identification requirements for those applying for FHA-backed mortgage insurance.

With that, Mr. Speaker, we know that our housing market is in severe distress. We must ensure that subprime mortgage lending is not putting our residents at risk. Subprime mortgages can be a very useful tool enabling those with imperfect credit to qualify to buy a home. Reining in predatory lending practices will help our families keep those homes that they have worked so hard to buy. The Expanding American Homeownership Act will ensure that FHA has the tools it needs to get more home buyers into good loans.

This bill will bring the FHA regulations up to date. It will provide the agency with the ability and resources to offer a broader diversity of loans to meet the needs of the current market. This is an important bill that will give more of our constituents access to solid federally backed loans. That is a kind of stable financing that homeowners need to get through the rocky times our real estate market is weathering.

The Financial Services Committee has worked very hard to get this bill to the floor. I hope that we can keep it moving forward. I hope that my colleagues will join me and show strong bipartisan support for the rule before us and the underlying bill.

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

The SPEAKER pro tempore (Mr. HOLDEN). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, by the yeas and nays;

Ordering the previous question on H. Res. 650, by the yeas and nays;

Adoption of H. Res. 650, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 217, nays 183, answered ''present'' 1, not voting 31, as follows:

[Roll No. 870]

YEAS—217

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
Dent
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—183

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

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—31

Allen
Boucher
Carney
Clarke
Cubin
Davis, Jo Ann
DeGette
DeLauro
Edwards
Emerson
Hensarling
Jindal
Johnson (IL)
Kanjorski
Knollenberg
Lowey
Maloney (NY)
McCarthy (NY)
McGovern
Meeks (NY)
Melancon
Peterson (PA)
Pickering
Renzi
Ryan (OH)
Slaughter
Sullivan
Tancredo
Walberg
Weldon (FL)
Wilson (OH)

□ 1125

Mr. SAM JOHNSON of Texas changed his vote from ''yea'' to ''nay.''

Ms. CARSON changed her vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 650, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 15, as follows:

[Roll No. 871]

YEAS—226

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
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)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Allen
Bachus
Carney
Cubin
Davis, Jo Ann
Hensarling
Jindal
Johnson (IL)
Knollenberg
Peterson (PA)
Pickering
Renzi
Slaughter
Tancredo
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARLIAMENTARY INQUIRY

Mr. SESSIONS (during the vote). Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Could the Speaker please provide this body with the information about how the Chair intends to rule in regard to the clock when it says ''time final,'' and yet you have gaveled several times, and yet you are accepting more votes. Could you please describe to us what we can count on. I think it is important for this entire body to understand so that we know when the votes are final and when they are not.

The SPEAKER pro tempore. The Chair will inform the gentleman from Texas that the board is for display only. The Chair will also tell the gentleman from Texas that the Chair began to announce the vote several times, but noticed that Members were still trying to vote; and to extend them the courtesy to vote, the Chair waited. Members from both sides of the aisle were trying to vote.

Mr. SESSIONS. Mr. Speaker, I appreciate that. I also did recognize what you were trying to do. I am not opposed to extending courtesies. I am very obviously concerned about the extension of any time after the vote says ''final.''

I thank the gentleman.

□ 1136

So the previous question was ordered.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. MANZULLO. Mr. Speaker, point of order.

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

Mr. MANZULLO. Who was controlling the clock that puts up the word ''final''?

The SPEAKER pro tempore. The gentleman is not stating a point of order.

Mr. MANZULLO. The computer is doing it?

The SPEAKER pro tempore. The clock is for display only. As previously stated, the Chair was trying to close the vote, but Members were raising their hands indicating they had not voted, and the Chair extended them the courtesy of allowing them to vote.

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

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

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 190, not voting 15, as follows:

[Roll No. 872]

AYES—227

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)

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

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
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)
Hastert
Hastings (WA)
Hayes
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
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
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Allen
Carney
Cubin
Davis, Jo Ann
Heller
Hensarling
Jindal
Johnson (IL)
Knollenberg
Musgrave
Peterson (PA)
Renzi
Slaughter
Sutton
Tancredo

□ 1145

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.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 1852 and insert extraneous material.

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

There was no objection.

ALLOWING AMENDMENT NO. 2 TO BE OFFERED OUT OF SEQUENCE DURING CONSIDERATION OF H.R. 1852

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1852 in the Committee of the Whole, pursuant to House Resolution 650, amendment No. 2 may be offered out of sequence by a cosponsor, the gentleman from California (Mr. CARDOZA).

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Can the Speaker please clarify within the rules of the House when a bill is final in terms of not being subject to open and changing the votes? Is it when the board says final or is it when the Speaker gavels the bill down?

The SPEAKER pro tempore. The board is for display purposes; and when the Chair hit the gavel to see if any Members wished to change their votes, several Members from both sides of the aisle indicated they had not voted, and the Chair extended the courtesy to allow Members to vote.

Mr. GARRETT of New Jersey. Further parliamentary inquiry then.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. GARRETT of New Jersey. Just so I am clear, it is not upon the board, nor is it at the time of handing of the gavel down? Some other action has to occur?

The SPEAKER pro tempore. The gentleman is correct. The Chair is advised that the word ''final'' appears on the wall display as an indication of the status of the computer, not of the status of the vote.

Mr. GARRETT of New Jersey. Further parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. GARRETT of New Jersey. The final element of when a vote is actually closed is when the Speaker, in this case yourself, actually hands down the gavel and not the board?

The SPEAKER pro tempore. It is when the Chair announces the result of the vote.

Mr. GARRETT of New Jersey. I thank the Speaker for the clarification. I appreciate it.

EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 650 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. 1852.

□ 1147

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. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes, with Mrs. JONES of Ohio 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 gentlewoman from California (Ms. WATERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 1852, the Expanded American Homeownership Act of 2007. As you know, I introduced H.R. 1852 on March 29, 2007, and I want to take this time to thank Chairman FRANK for his original cosponsorship. I also want to acknowledge each of my colleagues both on the Committee on Financial Services and in the House who have joined with me to see that this important legislation passes the House.

It has been a little over 4 months since the Committee on Financial Services considered this measure to revitalize the Federal Housing Administration, or FHA. On May 3, 2007, the

Expanding American Homeownership Act passed the Committee on Financial Services by a vote of 45–19.

The ensuing period has only made the need to enact H.R. 1852 clearer. We are all aware of the turmoil in the mortgage markets with the dramatic rise in foreclosures. Some predict as many as 2 million mortgage loan defaults by year's end. Equally troubling is the widening impact that the mortgage crisis is having within the domestic and global economy. We still don't know the full scope of that impact, but it is clear that we must take prudent steps to address the underlying issues in the housing markets.

H.R. 1852 is a necessary step in that direction. To be clear, this legislation will not by itself resolve the crisis. Indeed, later this week the Committee on Financial Services will hold a hearing to discuss the major players in government and the markets' other strategies to address this multi-faceted problem.

Revitalizing FHA, however, is an essential element of a comprehensive strategy. FHA is a federally insured loan program that for over 60 years has been a reliable source of affordable fixed-rate mortgage loans, especially for first-time home buyers.

At the end of funding year 2006, FHA had $338.6 billion of insurance in force on about 3.9 million loans. From 1934 through the end of funding year 2006, FHA had insured about $33.9 million home loans at a mortgage volume of about $1.9 trillion.

Once the preeminent provider of mortgage insurance to low- and moderate-income home buyers, FHA has seen a precipitous drop in its market share in recent years. In 1991, FHA loans accounted for about 11 percent of the market. By 2004, that share had dropped to about 3 percent.

Borrowers have increasingly turned to the private subprime market for loans, many of which contained adjustable rates that are now resetting, or will do so in the near future. In the absence of significant appreciation in the values of their homes, many of these borrowers will be unable to refinance to ensure affordable monthly payments into the future.

H.R. 1852 will enable FHA to serve more subprime borrowers at affordable rates and terms, recapture borrowers that have turned to problematic subprime loans in recent years, and offer refinancing loan opportunities to borrowers struggling to meet their mortgage payments in the midst of the current home price and mortgage market turbulence.

Specifically, this bill would authorize zero and lower down payment loans for borrowers that can afford mortgage payments but lack the cash for required down payment, a major reason that many low-income borrowers turn to private subprime markets rather than FHA-insured loans. It will increase loan limits to make FHA relevant in high-cost markets, direct FHA to provide mortgage loans to high-risk, but qualified, buyers; it will enhance the FHA reverse mortgage loan program, promote the sale of foreclosed FHA rental housing, loans to localities so that affordable housing can be maintained in local communities, authorize up to $300 million a year for the next 5 fiscal years from the bill's excess profits for an affordable housing fund instead of returning such funds to the general treasury.

Notably, H.R. 1852 also includes a number of important changes to the FHA bill that passed the House last year. First, it eliminates the fee increases from last year's bill for borrowers that continue to make a down payment, scaling back the maximum upfront fee from 3 percent to 2.5, and the maximum annual fee from 2 percent to .55 percent.

These reductions would reduce FHA closing costs premiums for a hypothetical family buying a $300,000 home by $2,250, and annual fees over a 5-year period by over $20,000 compared to last year's bill.

This bill also includes a provision authorizing loan limit increases for FHA rental housing loans in high-cost areas where current FHA loans do not keep pace with local construction costs. In this way we are ensuring that FHA contributes to the full range of affordable housing stock we so desperately need in this country, from homeownership to rental housing.

In that vein, H.R. 1852 also differs from H.R. 1752 in a final, absolutely critical respect. This bill recognizes the full scope of the affordable housing crisis facing the Nation by targeting up to $300 million annually for the next 5 years to an affordable housing fund for grants to provide affordable rental housing and homeownership opportunities for low-income families.

This measure is clearly needed. We can thank BARNEY FRANK for all of the work and all of the attention and time that he put into making sure that this was a part of this bill. Simply put, this country faces an affordable housing crisis of epic proportions. According to Harvard University's State of the Nation's Housing in 2007 report, 17 million renters and homeowners are paying more than half their incomes in housing costs. There just isn't enough affordable housing stock to go around.

With that, and in closing, I have said for many years that there is an affordable housing crisis in America. In recent months that crisis has exploded beyond the poorest renters and homeowners, to threaten the domestic economy. H.R. 1852 is a necessary step, though not in itself a sufficient one, in walking us back from the brink and the direction of meeting the housing needs of all Americans.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I yield to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Financial Services Committee, for 7 minutes.

Mr. BACHUS. Madam Chairman, the Federal Housing Administration, which we today call FHA, was created in 1934; and it is a very important source of support for first-time home buyers and for low- and middle-income borrowers. FHA provides mortgage insurance that protects lenders against losses when homeowners default on their mortgage obligations, as many of them are doing today. It also allows the lenders to offer their customers, American homeowners, low interest rates and low closing costs.

Since its inception, the FHA has insured nearly 35 million loans. That makes it the largest insurer of mortgages in the world. FHA's share of the mortgage market, however, has been steadily declining in recent years, falling from almost 20 percent 10 years ago, of the total mortgage market in America, to 5 percent today.

This sharp drop in FHA's market share resulted largely from the growing popularity of subprime mortgages, as more borrowers opted for loans featuring zero down payments and introductory teaser rates far lower than what was available from FHA.

The difficulties we are experiencing today by many subprime borrowers is as their initial low interest rates reset at a much higher level, it offers FHA an opportunity to reestablish its standing in the marketplace as a safe, low-cost alternative for American homeowners. It is also another reason that we should be here today reforming FHA, to ensure that that happens.

For that to happen, Congress does need to pass the reforms that we are considering today. I want to say that right upfront. There are important reforms in this bill. These same reforms were contained in legislation that Ranking Member BIGGERT of the Housing Committee and myself and others in a bipartisan way introduced in the 109th Congress. In fact, that legislation, Comprehensive FHA Reform, and that is in this bill today, and is very good provisions, passed with over 400 votes on the House floor, only to die in the Senate. I am sorry that happened.

Earlier this year, Congresswoman BIGGERT and I reintroduced legislation identical to that legislation. However, and I am sorry to say that rather than embracing last year's bipartisan approach, the majority has chosen to go in a different direction. I think they do that from honest philosophical reasons. We disagree with those reasons.

They have included provisions which we believe will divert surpluses generated by the FHA program to a new affordable housing fund established in separate legislation which this House and our committee passed earlier this year.

While a strong bipartisan consensus exists regarding the need for FHA reform, the reforms in this bill, the majority is insistent on linking the enactment of these reforms to the creation of yet a new multi-billion dollar housing fund has caused many of us on this

side of the aisle to hesitate from strongly supporting this legislation.

□ 1200

I admit, most of our Members are in a quandary. We like the reforms in this bill. We know that those reforms will go a long way towards addressing the crisis that we face today, the Affordable Housing Fund. And we realize at the same time that there is legitimate purpose behind Chairman FRANK's Affordable Housing Fund, and one of those is to offer affordable low income rental property for Americans. And we understand that he honestly believes, and we have an honest disagreement as to the need for this.

We simply believe that a better approach is to dedicate the FHA surplus to shoring up the financial solvency of the FHA mortgage program, which was only recently removed from GAO's list of government programs at high risk for waste, fraud and abuse.

A portion of that surplus could also be returned to beneficiaries of the program. Who are they? They are the many people who have taken out FHA-insured reverse mortgages, many of them senior citizens, and we could do that in the form of lower insurance premiums for all Americans who have FHA mortgages.

Madam Chairman, the key reforms included in this legislation, lowering down payment requirements, increasing loan limits and mortgages that FHA is authorized to ensure, giving FHA more pricing flexibility, command broad consensus among Republicans, Democrats, the Bush administration, consumer groups and the industry, the realtors, the home builders and others. Indeed, in announcing several of these initiatives last month designed to contain the damage caused by the problem in subprime, President Bush stressed the critical role that FHA can play in assisting homeowners facing sharply higher mortgage payments and possibly foreclosure in reaffirming the administration's support for the FHA modernization legislation and many of the provisions contained in this bill.

However, the administration, as have many on our side of the aisle, also is strongly opposed to using FHA surplus as seed money for an untested, unrelated government housing program, one that is estimated to cost $3 billion or more.

Thus, by insisting that this bill carry that controversial provision, we feel like the majority is delaying, if not jeopardizing, the enforcement of important reforms that we need now to provide a lifeline for seeking to refinance out of high cost subprime loans.

Madam Chairman, accordingly, I urge my colleagues to support Republicans' amendments to strike the extraneous Affordable Housing Fund provisions opposed by the administration and allow us to move forward quickly with badly needed and long overdue reforms in the FHA program. If we are not successful in those amendments, many of the Members will vote for this underlying legislation, some will not. But, again, I want to acknowledge the sincerity and the good faith that the majority has worked throughout this process with the minority; and, Chairman WATERS and Chairman FRANK, we very much appreciate that. We appreciate the many fine provisions in this bill.

Ms. WATERS. I yield to the chairman as much time as he may consume.

Mr. FRANK of Massachusetts. I thank the gentlewoman, the Chair of the Housing Subcommittee who has worked so hard all year on a number of very important pieces of legislation. And I appreciate the kind words of the ranking member. I congratulate him on the newest addition to his extended family. And he correctly says, there is a lot in this bill that we agree with; there are some things that we disagree.

Now, the ranking member of the subcommittee, the gentlewoman from Illinois, the ranking member of the full committee. I should note, the gentlewoman from Illinois is no longer the ranking member of this subcommittee, she was recently moved, but she was during the pendency of this bill. They noted that last year a bill passed the House by 400 to a handful on the FHA, and that is true. And the reason is, that is the difference between us and them.

Last year, when they were in the majority, they came out with a bill that had some things in it that we liked, a couple things that we didn't like, so we were reasonable and conciliatory and voted for it. And now we are in the majority. And it is an odd argument to say that the bill that they passed when they were in the majority, having defeated some of our amendments, somehow now, because we were conciliatory last year and supported it, we are obligated to do the same thing.

The principle of deja vu all over again is not to be found in Jefferson's Manual. It is not binding. We built on what we agreed to last year and we added some things. Let me talk about where we disagree.

Oddly, the administration insists that when we do mortgage insurance for lower income people, we agree, that going forward, and even in fact in helping in the current crisis, FHA mortgage insurance should be available for people with weaker credit who are in the subprime category, now, if they can refinance at a steady rate in the future so they can go there in the first place.

But what the administration says is this: If you are a woman making $48,000 a year and your credit isn't great for a variety of reasons and you get mortgage insurance from the FHA, this administration and the approach of my Republican colleagues is to charge her more than any Member of this House would be charged for the same mortgage insurance, because what they say is, we will extend it to people with weaker credit, but we will charge them more, because people with weaker credit are likely to default. It is true people with weaker credit are likelier to default, but should everybody be penalized financially because some people with weaker credit will default?

What we say is, if you are in that higher risk category and you go forward and make your payments on time, you should be refunded that money after 5 years automatically, 3 years at the discretion of HUD.

So I reject the notion that we should make the person in the lower credit category who conscientiously makes her payments be the one who has to bear the cost of a loan loss rate that is higher for people like her. That is not her fault.

Secondly, we have in here tougher restrictions than last year on the ability of HUD to raise FHA rates. Members will note, the FHA has been making a surplus recently, and the administration likes that and they can use that to put into the general budget so Housing and the FHA subsidize the rest of the budget. And a couple of times on a fully bipartisan basis, through the appropriators and through our committee, we have written to HUD saying, no, don't do that. Don't raise FHA fees when you are already making a profit.

This bill, in fact, reduces the ability of HUD to raise fees unless they can document that they are going to go in the red, and that is one of the differences. If you vote for a substitute, you will be voting for a weaker set of restrictions on HUD's ability to raise FHA fees. That is why the home builders and the realtors have generally been supportive of the approach that we are taking, because we don't want HUD to have the freedom to raise the fees just to make a surplus for the rest of the government and make homeowners do that initial surplus.

In addition, by the way, we take the cap off home equity mortgages, and that is what generates the money. We don't generate the money for the affordable housing fund here by raising fees on mortgage insurance in general; in fact, we restrict HUD's ability to do that. We do take the cap off mortgage insurance. So what we are saying is, there will be more home equity mortgages granted. And, in fact, we put a restriction on the fee that can be charged by those who originate them. Not in the minority's substitute, I believe. And we say that extra money that comes not from raising anybody's fees but increasing the volume is what we can use for affordable housing. We also say that you should raise the limit.

Now, the administration had been opposed to it and they are parading it some but I believe not enough. We now have a situation in which the market is telling us that they will not do mortgages if they go above the FHA-GSE limit. And what this bill does is, A, to raise the limit based on the regional variation in house prices, but, in addition, says to the Secretary of HUD: If

the market freezes up as it now does, you have discretion, the discretion of the Secretary of HUD, to do a temporary increase in the limits. And I think that is a reasonable approach.

Finally, the Affordable Housing Trust Fund. Be very clear. Look at the bill. Not a penny can go to the Affordable Housing Trust Fund under the legislation before us today until the Secretary of HUD certifies that the FHA fund is fully solvent. That is, there is no way under this bill that a penny can go to the Affordable Housing Trust Fund if it would in any way cause an increase in FHA mortgage insurance or in any way jeopardize the fund.

The question is, if there is a surplus generated by the mortgage insurance rates, and remember, we are saying to HUD you can't charge as much as you want to. So at the lower rate we impose and with the increase in the volume of home equity mortgages that generates a surplus, does it go into the Treasury to do as they wish or can we set it aside for an affordable housing program? And for the first time, because you do not have now a lot, there are a lot of HUD programs, but there aren't any now that help build family affordable housing. We have some for the elderly; HUD tries to cut it. We have some for the disabled; HUD tries to cut it. We do not have a general program for helping to build affordable family housing, and that is what this bill would do. But only if by raising revenue. And, by the way, when we increased it, there was an odd statement in which they said don't raise the upper limit, have the program be focused on the lower income people. They are not competitive.

In fact, raising the upper limit makes money for the FHA. CBO has told us that when you raise the limit, that is a profit for FHA. In fact, raising the limit at the top is one of the reasons why we can avoid charging the people with weaker credit more, which the FHA wants to do, because we recycle some of that profit that they will make from right in the upper end into helping offset the higher loan loss rate from people at the lower end.

So the notion that in any way we are deteriorating our ability to help the moderate people is just nonsense. It is literal nonsense. Because raising the upper limit, all it does is provide more funds which can be used, because the alternative, and again this is in the Bush administration's approach: Yes, we will extend credit to people with weaker credit, but we will charge those individuals more than somebody who is richer even if that individual is making the payment. I don't think that is appropriate for the Federal Government.

There has been a lot of bipartisan cooperation on this bill. There were a couple amendments offered. One amendment is jointly offered by myself and the gentleman from California (Mr. MILLER). There are amendments offered by the gentleman from Ohio (Mr. TIBERI) which we think is a good idea. Mr. MILLER has another one dealing with down payment assistance. Mr. TIBERI's deals with the question of counseling. We are supportive of those. There is a great deal of bipartisanship here.

The realtors and home builders, two of the private sector groups strongly committed to helping with homeownership and home building, support this bill and support our versions of it. All the consumer groups, the people who advocate for low income housing do. I hope that the bill is adopted. There are some amendments that would kill it. I will say there is an amendment to strike the funds for the Affordable Housing Fund. Members might want to check. A virtually identical amendment was offered during the appropriations bill to prohibit any FHA money from going there. It was defeated by 2–1. It was a very large vote on this side, obviously, but a significant vote on the other side. We have debated all these issues. I hope by the end of the day we will send the FHA bill through.

And let me just close by saying I welcome what the administration did. We are moving closer. I hope by the end of today we will have sent this bill to the Senate, along with the GSE bill. And I have spoken to Secretary Paulson and I have spoken with Members of the Senate. If the Senate will then take up the GSE bills and the FHA bills, I know there are differences, we want a signature on both bills. We will have a genuine three-sided conference; ourselves, both parties; the Senate, both parties; the Secretary of Treasury, the Secretary of HUD. And I believe if the Senate will act well before Thanksgiving, we can have a good package in which the GSEs and FHA are made sounder and more solid and better able to serve the people.

Mrs. BIGGERT. Madam Chairman, I yield 45 seconds to Ranking Member BACHUS.

Mr. BACHUS. Madam Chairman, I would like to thank the chairman of the full committee. And I want to make it perfectly clear that this was a grandson, not a son or daughter who was born to Linda and I. So when you said proud addition, I just didn't want a rumor back home that we had had a child.

But I also want to acknowledge what you said. There are many important reforms in this bill. In fact, from last year's bill, much of what the chairman has said, I think we have worked together, groups have worked together, and as a result of the subprime crisis we have got an even better bill, and I acknowledge all that. There are many good things about this bill, and I commend him for his knowledge of the subject and his fine work. Thank you.

Ms. WATERS. Madam Chairman, may I inquire as to how much time we have left?

The CHAIRMAN. Ms. WATERS has 13½ minutes, and Mrs. BIGGERT 21½ minutes.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. AL GREEN of Texas. I want to thank you and the chairman of the full committee for this brilliant and well thought-out legislation. I absolutely support it. I am convinced that this bill, had it been in place, would have helped many borrowers to avoid the subprime market and many of those who also went into the predatory lending areas, because it would provide reasonable rates without prepayment penalties.

But this bill also has the Affordable Housing Fund, and I support it wholeheartedly. There is no question that there is a need to build, preserve, and renovate, rehabilitate affordable housing in this country. This bill gives us the means by which it can be done.

I also would like to point out that the bill has an amendment that we introduced to deal with the mortgage brokers.

□ 1215

This bill requires mortgage brokers and correspondent lenders to safeguard and account for a borrower's money. It is actually codified into law. It would require them to follow reasonable and lawful instructions of the borrower and to act with reasonable skill, care, and diligence in handling the money of borrowers and the business of borrowers. It allows the Secretary of HUD to deny a violator the privilege of originating loans. It's a good amendment. I beg that my colleagues would support it.

Finally, I want to talk about the alternative credit amendment that was added that we introduced, which is a pilot program to establish an automated process using alternative credit such as rent, utilities, phone bills.

Many persons are credit worthy, but they don't have the traditional credit necessary to purchase a home. This bill will establish an alternative system so that they too may enter the marketplace and purchase a home.

After 4 years, the GAO is to give Congress a report on the bill. I support all of what is in this bill, and I beg that my colleagues do so as well.

Again, I commend the Chair and the ranking members for what they have done as well.

Mrs. BIGGERT. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I'd like to start out on a positive note, but I guess I must say that I'm disappointed about the bill, the way it is as we're considering it today.

While the bill has improved since its introduction, I had hoped that we could take up the same bipartisan FHA Modernization Bill, H.R. 5121, that passed House last year. And since we've been talking about it, I might say it was cosponsored by 54 Republicans and 51 Democrats and one Independent, so it was a good bill and a bipartisan compromise that was agreed to by Chairman WATERS, Chairman FRANK, and then Chairman Mike Oxley.

And given the overwhelming vote, and the exact number was 415–7 for last year's bill, I had hoped that we could take it up and move it quickly to the floor. But instead we have two bills this year. We have the bill, H.R. 1752, which I introduced, which was identical to last year's bipartisan bill, and we have Chairman WATERS' bill. And so I think we're today considering a new bill with new provisions that are not bipartisan, and I think it has delayed the FHA modernization and will serve fewer borrowers than last year's bill. But it's an important bill.

There are some key differences between these bills. There is one that has caused the greatest concern for me and many of my colleagues, and that is the inclusion of a provision in H.R. 1852 that creates a funding placeholder and siphons off FHA funds to a brand-new government trust fund. And it's admirable, affordable housing. We all want affordable housing in all forms, whether it's section 8, whether it's public housing, whether it's FHA modernization. But I think that taking the funds out of FHA and using them for a purpose unrelated to its core mission of the FHA would threaten the solvency of the FHA fund and its ability to pay off the insurance claims. And we are reaching a crisis there, where we are going to have to have some credit influx into the FHA fund. So we'll hear more discussion on that during the consideration of Mr. HENSARLING's amendment during this debate.

So it's my hope that we can work together to address Members' concerns through the amendment process so that a modernized FHA bill can help assist more low- and moderate-income Americans in buying and keeping their homes.

I'd like to just briefly talk about and thank Chairman WATERS for offering a specific provision in this manager's amendment. The chairwoman's original draft only permitted first-time home buyers to participate in new low- and no down payment loan programs. But the amendment under consideration corrects that and mirrors the provision in the FHA modernization bill that allows any FHA qualified borrower to participate in the new FHA low and no down payment loan program. So clearly, the FHA has a role to play in the solution to this country's rising foreclosure rate.

And as I think I said on April 19, during our first committee hearing on this, this bill, one of the most important things that Congress can do, as we search for ways to help those that have been harmed by the subprime market, is to give FHA the tools it needs to be a viable alternative for the first-time and low-income borrowers.

And then I'd like to address an issue that Chairman FRANK did bring up, and even though he's not on the floor. But the legislation that I have included another bipartisan agreement last year, and that was the automatic reduction of annual premiums in FHA to no more than 55 basis points for loans that remain active after 5 years. And automatic premium reductions can be a good thing. They can reduce refinancing and perhaps some defaults and foreclosures as well.

In contrast, I think that the Franks-Waters bill requires the refund of excess upfront premiums charged to higher-risk borrowers, those with FICO scores under 560. So I'm concerned that this provision would have the unintended consequences of limiting the number of borrowers that could be served by the FHA program because it requires initial premiums to be even higher. And I think that the refund provision would also be very difficult to implement.

This is an insurance program. And when you have car insurance, you don't get a refund if you don't have an accident. You might have your rate lowered, which is what was in the former bill. So I think that that is an issue that he talked about that I wanted to clarify.

Madam Chairman, I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield myself 30 seconds to make sure that my colleague on the opposite side of the aisle, Mrs. BIGGERT, whom I've worked with so closely and enjoy working with so much, is clear on the fact that the housing trust fund does not take money from FHA. And I think Mr. FRANK made it very clear before he left that HUD would have to certify that it is solvent before any of that money goes into the trust fund. I think that's very important.

Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 1852, the Expanding American Homeownership Act of 2007, introduced by Congresswoman MAXINE WATERS, who has worked so hard on this legislation.

I want to commend my good friend from California for introducing such an important piece of legislation and for helping me and the Congressional Rural Housing Coalition find ways to provide housing for all Americans, including those in rural America. She has found numerous ways to improve the availability, affordability and quality of housing; and this legislation advances that cause.

Madam Chairman, this legislation, H.R. 1852, will modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers. It will also provide a safe alternative for potential home buyers with less than perfect credit, thus helping them avoid the pitfalls of certain subprime lending and, hopefully, reduce a large portion of predatory lending.

This legislation is very important to working families. Hundreds of thousands of American families are concerned about losing their homes as their mortgage payments increase because of subprime loans with adjustable interest rates. With strong efforts to assist them, up to the 40 percent of families with subprime loans could qualify for more affordable fixed-rate loans so they can keep their homes.

As co-chair and co-founder of the Financial and Economic Literacy Caucus, I am particularly pleased that the legislation contains a housing counseling provision. It is a long time coming.

I want to express my sincere appreciation to Chairwoman MAXINE WATERS for introducing such important legislation.

Madam Chairman, I submit for the RECORD letters from the American Bankers Association and the National Association of Home Builders in support of H.R. 1852.

For these reasons, I strongly urge my colleagues to vote ''yes.''

SEPTEMBER 18, 2007.

To: Members of the U.S. House of Representatives.

From: Floyd Stoner, Executive Director, Congressional Relations & Public Policy, ABA.

Re Support for H.R. 1852, the Expanding American Homeownership Act of 2007.

I am writing to you on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 1852, the Expanding American Homeownership Act of 2007, scheduled for House consideration today. This legislation reforming the Federal Housing Administration (FHA) will make the FHA a strong, relevant tool to help banks and other lenders to bring homeownership to more Americans for years to come. These reforms are more necessary now than ever, as FHA can play an important role in addressing current problems in the mortgage markets.

The FHA was created in 1934 to serve as an innovator in the mortgage market. Since then, FHA, in a public/private partnership with banks and others in the lending community, has assisted nearly 35 million Americans become homeowners. Unfortunately, statutory limitations and lack of flexibility caused FHA to become less relevant to the industry. The legislation before the House of Representatives makes necessary changes to improve the efficiency of the FHA, increase the nation's homeownership rate, increase competition in the lending market, and provide borrowers with a much needed option in the current tight credit market.

Specifically, ABA supports provisions that: (1) simplify the downpayment process and offer borrowers flexible downpayment options; (2) extend the mortgage term of an FHA insured loan to 40 years; (3) increase the FHA loan limits; and (4) modernize the Home Equity Conversion Mortgage Program. These changes will again make the FHA an important partner with the private market and will help to ensure that more borrowers are able to benefit from FHA insurance.

We urge you to support this reform of FHA to better serve homebuyers by supporting H.R. 1852 when it comes to the House floor.

NATIONAL ASSOCIATION OF HOME BUILDERS,

Washington, DC, September 17, 2007.

Hon. NANCY PELOSI,

Speaker, House of Representatives,

The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to

express the building industry's support for H.R. 1852, the Expanding American Homeownership Act of 2007. NAHB urges you to support this bill, which modernizes the Federal Housing Administration (FHA), when it comes to the House floor next week. Because of the importance of this issue to our industry, we are designating the vote on passage of H.R. 1852 as a KEY VOTE.

NAHB also supports the Frank/Miller/Cardoza amendment that will further enable home buyers the ability to purchase an FHA-insured home in many high-cost areas. Currently, the FHA loan limit is too low to enable many deserving home buyer to purchase a home in high-cost areas.

Since its creation in 1934, and for much of its existence, the FHA has been viewed as a housing finance innovator by insuring millions of mortgage loans, which have made it possible for America's families to achieve homeownership. FHA's single family mortgage insurance programs have served home buyers in all parts of the country during all types of economic conditions. Moreover, FHA has done this without any cost to America's taxpayers.

Unfortunately, over the past two decades, the popularity and relevance of FHA's single family mortgage insurance programs have waned as FHA's programs have failed to keep pace with competing conventional mortgage loan programs. Faced with a deepening constriction in the availability and affordability of housing credit, Congress now has the opportunity to modernize the FHA and enable it to play a key role in stabilizing the mortgage markets, while offering borrowers a safe and fair mortgage alternative. Recently, President Bush outlined a plan to help American homeowners weather the current difficulties in mortgage markets, which included asking Congress to send him an FHA reform bill as soon as possible.

To address the problems in today's housing finance market, I urge your support for H.R. 1852 on the House floor this week. Again, NAHB will KEY VOTE the vote on passage of H.R. 1852. Thank you for considering the views of the home building industry.

Sincerely,

JOSEPH M. STANTON,
Chief Lobbyist.

Mrs. BIGGERT. Madam Chairman, I would just like to thank the gentleman from Texas (Mr. HINOJOSA) for all his hard work on our Financial Literacy and Education Caucus. I really enjoy working with him, and the counseling really fits right into the purview of financial literacy, so again I thank the gentleman.

Madam Chairman, I yield 5 minutes to my friend, the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Chairman, I rise in strong support of this bill. I'd like to commend Chairman BARNEY FRANK and Ranking Member BACHUS and Subcommittee Chairman MAXINE WATERS and Ranking Member JUDY BIGGERT for their hard work. This has been a long time coming.

If you watch what the Federal Reserve is doing today, they're injecting short-term dollars into the marketplace trying to stabilize the marketplace. But what the marketplace and housing needs today is long-term dollars and revenues to ensure that people can own a home and get a long-term loan and pay that back.

When I talk to brokers and lenders in my district, it is clear that the FHA program as currently structured has not kept pace. In the past, moderate-income home buyers who could not qualify for conventional loans because of high loan to value ratios or high payment to income ratios could still achieve the dream of homeownership through the FHA program.

Today, the FHA program is no longer a useful product to home buyers. Instead, working families are faced with a situation where they are either unable to own a home, or they're forced to resort to a risky loan product that might make their ability to keep the home difficult.

With all this occurring in the subprime market, FHA reform is more critical today than ever. The need for this legislation is immediate.

Many times exotic products such as interest-only loans, negative amortizations are the only options available to working families to achieve homeownership. This is because the FHA program became virtually irrelevant for many home buyers.

Not only can the bill before us today provide a viable alternative for families seeking to purchase a home, but it can also help families facing uncertainty about being able to keep their current home.

The bottom line is to make the FHA program a viable mortgage option, we must ensure that the program's products are available across the country and they meet the needs of borrowers. This includes not only eliminating the geographic barriers to utilization of the program in high-cost areas, but also facilitating the purchase of entry-level homes, including condos and manufactured housing.

These forms of housing are an affordable option for entry-level home buyers, and they should be included under this program if we truly want to help families climb the first rung on the ladder of homeownership.

In addition to reforming what can be purchased under the program, we must also improve the competitiveness of the FHA product among the mortgage options available. In other words, we must address the problems in FHA programs that cause it not to be utilized when it is an available mortgage product for the potential home buyer.

The answer is that the program in flexibility and burdensome processes have left many in the industry hesitant or, in the case of mortgage brokers, unable to offer FHA products.

The legislation before us today includes a number of reforms to make the FHA program relevant in today's marketplace. For example, today's mortgage brokers originate the majority of mortgage loans and, therefore, provide HUD with the most available and efficient distribution channel to bring the FHA loan products to the marketplace.

While mortgage brokers originate the majority of loans, many are not able to offer FHA products because of the cost-prohibitive and time-consuming financial audit and net worth requirements. This effectively leaves subprime loan products as the only option for many borrowers who would otherwise qualify for an FHA.

Now, let me say the subprime market is extremely beneficial and it needs to be relevant. But today you have many predators in that marketplace that are making loans to people that they know they cannot repay. The bill before us today includes language to replace FHA's net worth and audit requirement with a surety bond to allow more mortgage brokers to offer FHA products. This will ensure that the home buyers are given the option of a FHA product when they seek the services of a mortgage broker.

I would like to say a word about the affordable housing fund included in this bill. While I opposed a similar fund when it was attached to the GSE reform bill, I want my colleagues to know that I support this fund because an amendment I offered at the markup was accepted by Chairman FRANK to essentially say, and these are arguments that have been made against this, that the HUD must ensure that FHA insurance premiums are, one, as low as possible; two, that the insurance fund is solvent; and, three, that any FHA needs are met before excess dollars are sent to the housing fund. Virtually it says that FHA has the dollars, they will use the dollars, and when it's not needed, then those dollars will be forwarded to the fund.

□ 1230

After that I firmly believe that the FHA funds should be dedicated to housing. We do this for the highway fund when we charge a gas tax. Those taxes are dedicated to repairing our roads and highways in this country. We should do this with the FHA too. The FHA money we are talking about is money that currently is going to the treasury.

Now more than ever Congress must pass FHA legislation so that we can remove the impediments to the utilization of the FHA and ensure that it once again helps working families across the country so that they have an opportunity to achieve and maintain homeownership. This is an important reform that will help many families avoid foreclosures.

Most of the people, and I would say, all the organizations in the industry who are looking to help people who are in trouble today support this bill. They also support the GSE reform bill that we put forward because it does one thing: It provides long-term stability and liquidity to the marketplace. The goal of this bill is to ease the burdensome problems people are facing today. They are looking at losing their homes. We are saying let's provide long-term liquidity and help them maintain their homes.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentlewoman

from New York (Mrs. MALONEY), Financial Institutions and Consumer Credit Subcommittee Chair.

Mrs. MALONEY of New York. Madam Chairman, I thank the gentlewoman for her extraordinary leadership, really creative leadership, along with BARNEY FRANK and others.

I rise in support of the bill, which will revitalize the FHA and will ultimately assist low- and modern-income families seeking the American Dream of homeownership and providing much-needed stability and liquidity in the markets with the subprime crisis.

I thank the gentlewoman for accepting an amendment that I authored that would expand affordable and available daycare by giving an incentive to build or include licensed child care facilities in FHA-insured properties.

This bill does many things that are very important. It builds on the President's recent announcement that FHA will work with homeowners who are having a difficult time paying their mortgage due to a reset in this interest rate. This will help with the subprime crisis by, number one, increasing the loan limits in high-cost areas of the country like New York City where FHA has been driven from the market, forcing many borrowers to turn to high-cost financing. It will, secondly, authorize zero down and lower down payment FHA loans for home buyers who could not otherwise make these payments. It directs FHA to underwrite to borrowers with higher credit risks than FHA currently serves. And it permanently eliminates the current statutory volume cap on FHA reverse mortgage loans to permit this program to meet the growing needs of home equity-rich, cash-poor senior citizens and, very importantly, reinvesting the increased profits created into an affordable housing fund.

With all the great things in this bill, I am concerned that we may be loosening the reins a bit too much by allowing mortgage brokers to bypass the current audit and net worth requirements and instead posting a surety bond to participate in FHA. I have been very concerned with the role the largely unregulated mortgage broker industry has played in the current subprime mortgage crisis.

I do support this bill, and I hope we can work to ensure the safety and soundness of FHA and we are expanding affordable and available housing. And congratulations to Chairman WATERS.

Mrs. BIGGERT. Madam Chairman, at this time I would like to yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), who is now going to assume the role as the ranking member of the Housing Subcommittee.

Mrs. CAPITO. Madam Chairman, I would like to first thank my good friend the gentlewoman from Illinois for yielding to me and also for her leadership as the ranking member on the Housing Subcommittee. She has left big shoes for me to fill, but I know she is not going to be too far away on the committee, so I can lean on her for help.

I also look forward to working with Chairwoman WATERS on this committee. I know we will work well together as you all have set up a great pattern of bipartisanship on the Housing Subcommittee. So thank you very much for your leadership.

The legislation we are considering today is an important step towards stabilizing a housing market that has been in a steady decline over this past year. While many of us were working in our districts over the recess period, our financial systems were experiencing a bit of a credit crunch, due in part to the problems in the subprime housing markets.

Many of the problems we are facing in the housing market are due to individuals with credit challenges and inexperienced first-time home buyers utilizing very complex and creative financing tools to allow them to purchase a home which they would otherwise not be able to do.

Homeownership is something that we all aspire to, and I am proud to say that my State of West Virginia has some of the highest homeownership in the country, over 70 percent, because with homeownership comes solid community involvement, comes better economic health, and also better socialization and education levels.

The use of interest-only and adjustable-rate mortgages is now causing problems as these mortgages is now resetting at much higher rates, frequently unaffordable rates causing an increase in foreclosures.

The reforms to the FHA will help provide stability in the housing market by providing greater assistance to new and riskier home buyers. Some of the reforms I would like to highlight are the extension of the maximum length for an FHA loan from 35 to 40 years; directing the FHA to serve high-risk home buyers while lowering upfront fees for high-risk buyers; allowing for a zero down payment for first-time home buyers, and I'm hearing today also for those who are FHA qualified; and authorizing an increase in FHA loan limits for both rural and urban areas.

The final component is especially important because in many areas the current loan limits are outpriced by many larger metropolitan areas. These expanded limits will help many buyers access stable and secure loans so they can achieve the goal of homeownership.

Each of these reforms has bipartisan support, and we must continue to work together in order to provide much-needed assistance to our struggling homeowners.

Again, I would like to thank Chairwoman WATERS and Ranking Member BIGGERT for their hard work on this critical legislation.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), who is focused on predatory lending.

Mr. ELLISON. Madam Chairman, I would like to thank Chairwoman WATERS and Chairman FRANK for bringing this bill to the floor today before the body.

H.R. 1852 makes significant improvements to the current Federal Housing Administration policy at a time that is crucial to American working families and to our Nation's economy. It comes before us at a time when the unstable housing market has brought disruption to our economy, world financial markets, but, most importantly, in our neighborhoods. By expanding the availability of FHA loans and using the new revenue to create an Affordable Housing Trust Fund, we are helping to make the dream of homeownership not just an illusion but a real possibility. Once again, I want to thank the sponsors of this legislation and urge support of the bill.

I would also like to point out that the mortgage foreclosure crisis in America continues to get worse. Mortgage foreclosures are now at a level previously seen only at the height of the Great Depression, and it is only predicted to get worse going into the fall and winter. In August, foreclosures nationwide were up 115 percent from 2006. Hopefully, this important piece of legislation will help make the American Dream of homeownership not just an illusion but a real possibility.

Mrs. BIGGERT. Madam Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1½ minutes to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE. Madam Chairman, I rise today in strong support of the Expanding American Homeownership Act of 2007. I want to thank Chairman FRANK and Chairwoman WATERS for their leadership and their commitment to revitalize the FHA and provide critical assistance to those who have been affected by this crisis, which is, unfortunately, reverberating across our country and the entire world.

Many hardworking Americans that may otherwise not have been able to qualify for a loan were lured into a fantasy universe of low rates and even lower payments by unscrupulous lenders. However, reality has kicked in, and those most affected are the elderly, single parents, and members of minority populations.

This bill is a critical first step to help those who have been caught up in this nightmare. For instance, current FHA rules prevent the FHA from making loans beyond the local median home price. This bill will increase loan limits to make FHA relevant in those areas. This is a crucial fix which will provide assistance in high markets like mine in California in the Ninth Congressional District in Northern California.

This bill also increases funding for housing counseling, which helps to ensure that those who achieve the American Dream of owning a home can keep

it. With a good job and good credit, this bill will allow, for instance, those who want to deal with down-payment assistance to qualify for a loan by providing that down-payment assistance. It addresses authorizing a zero or lower down payment on loans for borrowers.

I want to thank Congresswoman WATERS and Mr. FRANK for making housing an important national priority.

Mrs. BIGGERT. Madam Chairman, I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1½ minutes to the gentleman from Maryland, Congressman CUMMINGS.

Mr. CUMMINGS. Madam Chairman, I want to thank Ms. WATERS for this absolutely brilliant legislation, very comprehensive, and I also want to thank Chairman BARNEY FRANK.

Madam Chairman, later today the Fed is expected to lower interest rates for the first time in 4 years to protect the economy in hopes of making homes less expensive for people to finance certain credit card debt and for homeowners to take out popular home equity lines of credit, which often are used to pay for education, home improvements, or medical bills.

The Fed's actions today will have a positive impact on homeownership, as will our consideration of H.R. 1852. This legislation will allow FHA to carry out its function of assisting creditworthy, low-income and credit-risk citizens in becoming homeowners. Most importantly, the FHA will be able to steer these people away from the predatory practices of the subprime mortgage industry.

Some of the most important features of H.R. 1852 include raising the program's loan limit to $417,000; providing refinancing opportunities to borrowers struggling to meet their mortgage payments; authorizing zero and lower down-payment loans for qualified borrowers; and enhancing FHA's reverse mortgage program to help seniors pay for health and other expenses, by removing the loan cap to avoid program shutdowns and raising loan limits.

Again, I applaud Chairman WATERS for her outstanding leadership in this area, and I urge all of my colleagues to vote in favor of the bill.

Mrs. BIGGERT. Madam Chairman, I yield myself such time as I may consume.

In closing, I would really like to thank Subcommittee Chairwoman WATERS for her work on this bill. I am pleased that the FHA modernization bill is moving forward, and I think that the bill that we will vote on today is much improved from the original draft as a result of constructive input from Members from both sides of the aisle. It contains many bipartisan provisions that I support and still contains a few provisions that I do not support. But it is my hope that the provision siphoning money away from the fund will be struck and that true risk-based pricing will be implemented so that FHA can serve the maximum number of borrowers possible. But those arguments have been made and have been rejected by the majority, so it is my sincere hope that we can further improve the bill as it continues to move through the legislative process.

As I understand it, the Senate Banking Committee is scheduled to mark up its version of FHA reform tomorrow. So unlike last year, it appears that FHA reform is gaining traction in the Senate, and I hope that we can move this bill beyond the House during this Congress and that the Senate and the administration will work with us to reform this important program.

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I think American families deserve a 21st-century FHA program to have a safe and secure mortgage product as an alternative to the dangerous products offered by predatory lenders. Qualified American families looking to keep their homes and refinance their bad mortgages, many of which are currently in default, deserve to do so through a modernized FHA.

Again, I look forward to our continued work. And I would like to thank Chairman WATERS so much. You know, as I leave as ranking member of this subcommittee and go over to the financial institutions, I do with some remorse. I really have enjoyed working with the subcommittee chairman on this committee, and the times that we have spent. I will still be on the committee, but won't have the opportunity to sit together and make some decisions. And I really have enjoyed every minute of it, the trip to New Orleans and Mississippi, as well as working on these bills with her. So I thank you so much. I also thank Chairman FRANK. I think he has worked so hard on this committee.

I kind of think I will miss it because it certainly has been the most active committee I think in Congress this year. Never did I dream that we would have at least three hearings a week and two markups and all the things that have gone on. But I think you've made great progress in the housing field, and I appreciate both of you for your concern and your passion for housing and making sure that low-income families will be able to meet their American Dream.

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

Ms. WATERS. May I inquire as to how much time I have remaining.

The CHAIRMAN. The gentlewoman from California has 2 minutes remaining.

Ms. WATERS. Madam Chairman and Members of the House, first I would like to tell the subcommittee ranking member how sad I am that we're not going to be working as closely together on this Subcommittee on Housing. I have truly enjoyed working with her. And even though she will remain on the committee, we perhaps won't have an opportunity to sit together and chat and not only make decisions, but just make fun of some people from time to time.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman.

Mr. FRANK of Massachusetts. I would say that I really am very proud that on our committee, and the gentlewoman is right, there are some areas of disagreement, I think we have shown how you can have legitimate disagreements of governmental philosophy within a framework of some agreement and be able to deal with them so that the disagreements can be reasonably debated and don't spill over and don't interfere.

And the gentlewoman is right, we have been very active; but we could not have been active in a very constructive way if it hadn't been for that spirit, and I thank her for it. And obviously we will still be working with her, but we do want to acknowledge how helpful she was and how constructive in her role as the ranking minority member.

Ms. WATERS. I would also like to thank Mr. BACHUS and Mr. MILLER; Mr. BACHUS, who has been so good to work with; Mr. MILLER, who is an expert. We have been able to talk about things, to work out differences, and to move forward.

This is a very productive overall Financial Services Committee, a very productive Subcommittee on Housing and Community Development. With people working together on both sides of the aisle, we're getting things done.

This may be one of the most important pieces of legislation to pass this House in this session. We will be able to help people with refinancing. We will be able to help people stay out of foreclosure. We will be able to revitalize FHA, that really knows and understands how to provide insurance for moderate- and low-income folks who are desperate to be homeowners. And I am just delighted that I've had an opportunity to play a role.

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

Mrs. BIGGERT. Madam Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. In all my thanking, I forgot to thank the staff, which I would really like to do, the staff of the subcommittee, Cindy Chetti, Tallman Johnson, Nicole Austin, Robert Gordon and Jim Clinger for all the work that they've done on the minority side of the aisle. And also, to thank, on the other side of the aisle, the Democrat staff who have been so helpful to us: Scott Olson, Gail Lester, Jonathan Harwitz, Kellie Larkin, Tom Duncan and Himay Lazarga. I thank all of them for all the work that they've put into this bill. And also, one of our new members on this side, Jason Britt, one of our new members of the staff. Thank you so much.

Mr. BACA. Madam Chairman, I rise to express my strong support for H.R. 1852, the Expanding American Homeownership Act of 2007. This bill updates the FHA program so it can provide better mortgage options to low and moderate income families and minorities. This is important because the FHA program has not kept up with the needs of underserved communities, especially those in high cost areas like California. As a result, many families have turned to high cost and riskier subprime loans.

Because of the high number of subprime loans granted in the last few years—our Nation is now in a home foreclosure crisis. The Inland Empire has the fourth highest rate of foreclosure filings in the Nation and comprised the hardest hit area in California through the first half of 2007. According to the Neighborhood Housing Services of the Inland Empire, in San Bernardino County alone there were over 19,000 foreclosure filings in the first half of 2007. The current median home price in San Bernardino County is only affordable for 2 out of every 10 families.

H.R. 1852 will raise the FHA loan limit so that these hard-working families get a fair chance at getting a better deal for their home. The reforms in H.R. 1852 will allow the FHA program to reach into these underserved communities to provide low and moderate-income buyers a better deal at a fair price.

Again, Madam Chairman, I express my full support of this bill and urge my fellow colleagues to adopt its final passage.

Ms. CASTOR. Madam Chairman, I would like to express my support of H.R. 1852, the Expanding American Homeownership Act.

I would like to thank Chairwoman WATERS and Chairman FRANK for their hard work on behalf of American families. I am proud to support their effort to make the dream of homeownership reachable for hard-working families throughout our country.

H.R. 1852 accomplishes many goals. It will expand the capacity of the FHA to ultimately help more homebuyers receive better loans. Currently subprime borrowers are not eligible to receive FHA loans. Under H.R. 1852, FHA loans will become available to subprime borrowers and help to keep them from becoming victims of predatory lending practices when buying their first homes.

Families who are currently homeowners, but were placed into mortgages that they were unable to afford will be eligible under H.R. 1852 to refinance their mortgages with the FHA. This will help families to recover from the hardship that so many have experienced during this difficult period in the mortgage market.

One of the great provisions of the Expanding American Homeownership Act is that it will authorize up to $300 million per year to be put into the Affordable Housing Trust Fund, to assist in building more affordable housing for working families. This fund will work alongside of an effort in my home state of Florida by Governor Charlie Crist to increase funding for initiatives to build affordable housing and to provide added assistance to first-time home buyers.

In my district in the Tampa Bay area, 10,173 of my neighbors found that their homes fell into foreclosure within the first six months of this year. The Tampa Bay area is ranked 24th in home foreclosures among the largest 100 metropolitan areas in the country.

On Monday, members of my community gathered to hear the story of Isaline Wyatte. Isaline's lender told her last month that her house was going to be auctioned off. Isaline was facing foreclosure. Fortunately, Isaline was proactive and was able to take the needed steps to finding assistance to restructure her loan and keep her home. Isaline's journey was a struggle, but with the passage of H.R. 1852, homeowners like Isaline will have an added place to turn before foreclosure threatens to leave their families without a home.

Madam Chairman, there are thousands of children, seniors and veterans that are living in fear that soon they will lose their homes. This is a crisis and H.R. 1852 is an excellent step toward helping not only first-time homebuyers, but also to help homeowners in trouble to get back onto their feet. Families will have a greater opportunity to find a home and stay in that home.

Mrs. CHRISTENSEN. Madam Chairman, homeownership is the key to achieving financial independence. Yet, there is still a persistent gap in homeownership between minorities and non-minorities. According to HUD, despite increases in minorities who become homeowners, the census figures show that large differences in rates between minority and white household ownerships remain and have narrowed only slightly.

If this gap is to be narrowed or eliminated all together, we must break down the barriers faced my minority families and lower and middle income families that make it difficult for them to obtain the American dream of homeownership. These barriers include but are not limited to lack of capital for the down payment and closing costs, lack of access to credit and poor credit history, lack of understanding and information about home buying program and continued housing discrimination. Not to mention, the recent mortgage crisis caused by sub-prime lenders and predatory lenders.

This is why I strongly support H.R. 1852, a bill that would modernize the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers and make other needed changes to offer a better product. Increasing the FHA loan limits will allow homebuyers in high cost areas like the District of Columbia and my district, the US Virgin Islands, to benefit from the FHA advantages that users in less costly parts of the country enjoy. The bill would also provide FHA with the flexibility to offer varying down payment terms thereby eliminating the barrier of down payment and settlement costs for more aspiring homebuyers. Most importantly, H.R. 1852 would provide American homeowners with a safe and affordable mortgage alternatives. This is greatly needed at time when home buyers. Most importantly, H.R. 1852 would provide American homeowners with a safe and affordable mortgage alternatives. This is greatly needed at time when homebuyers are being lured by the attractive but misguided terms offered by the subprime and predatory lenders.

H.R. 1852 will bring a much needed stability to the mortgage market. It is supported by my local realtors and the National Association of Realtors, as well as many other organizations. I commend Congresswoman MAXINE WATERS for her work on this bill and urge my colleagues to support its passage.

Mr. SIRES. Madam Chairman, I rise in opposition to this amendment. I keep hearing time and time again from my constituents that they cannot afford a safe home for their children. I know this is a problem for many Americans across the country. In fact, recent research has indicated that in order to afford a modest two-bedroom apartment paying no more than 30 percent of their income for housing and working full time, a New Jersey family would need to earn over $20.00 an hour. Wages are simply not increasing fast enough to allow many families to even come close to this affordable housing wage.

Families need help. That is why I am so supportive of the Affordable Housing Trust Fund and the revenues that H.R. 1852 will provide to the Fund. This fund will increase home ownership and increase mortgage funding in areas of chronic economic distress. By increasing the level of home ownership, we will then increase the supply of rental housing for families. And where needed, we will increase our investment in affordable housing infrastructure to make a safe and affordable home a reality for every hardworking American.

I urge my colleagues to vote against this amendment that would strike the affordable housing trust fund and I urge everyone to vote in support of final passage the Expanding American Home Ownership Act of 2007.

Mrs. JONES of Ohio. Madam Chairman, I rise today in support of H.R. 1852, the Expanding American Homeownership Act of 2007. I commend the chairman of the Financial Services Committee, BARNEY FRANK and Congresswoman MAXINE WATERS, the author of this bill, for their leadership on this issue.

The meltdown of the mortgage industry, predatory lending practices and excessive foreclosures is an opportunity for the Federal Housing Administration (FHA) to reassert its traditional role of meeting unmet mortgage market needs. H.R. 1852 is intended to increase the market share of mortgages insured by Federal Housing Administration (FHA), and to encourage greater stability in the mortgage market in coming years. It raises loan limits for FHA-backed loans, boosts loan limits in high-cost areas, allows the agency to vary the premiums it charges borrowers based on their credit risk, modifies disclosure requirements to provide more information concerning mortgage choices, and allows for lower monthly payments for borrowers who make on-time payments for the first 5 years of a loan. It also extends the maximum loan term on FHA single-family loans to 40 years from 35 years.

Predatory lending is a leading cause of foreclosures across this country. It compromises the opportunity to own a home and hinders economic stability, creating greater disparities in wealth. In my home State of Ohio, new foreclosure cases grew by 24 percent in one year. Cuyahoga County led the State in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18 percent which is higher than the national average of 17 percent.

Subprime lending provides affordable mortgage credit to borrowers with less than perfect credit histories, but who are still creditworthy. Predatory lending occurs when lenders impose excessive rates and fees, prepayment penalties, and reset terms that can result in exorbitant interest rate increases. I believe that FHA could serve subprime borrowers at more attractive rates and provide fairer mortgage opportunities than predatory lenders.

I applaud provisions in the bill that require FHA to provide "payment incentives" for borrowers that make on-time payments for at least the first 5 years of a loan. The measure authorizes the department to offer these incentives to borrowers after a period of 3 years of on-time payments.

I am especially pleased and support provision in the bill which authorizes funds from FHA profits, to be used for an affordable housing fund. This fund is key because it would provide grants to support affordable rental housing and homeownership opportunities for low-income families.

Over the past 2 weeks, I have participated in home preservation workshops, where I have had an opportunity to meet with various organizations and lenders in my congressional district to discuss loss mitigation plans for homeowners that are in loans set to readjust to higher rates as well as those that are facing foreclosure. Representatives of lenders, servicers, housing counseling agencies, and State, county and Federal housing officials have been on site to meet with individuals to discuss their personal situations.

To help stem the tide of growing foreclosures, I have reintroduced the Predatory Lending Practice Reduction Act, H.R. 2061. This legislation calls for Federal certification of mortgage brokers and agents and stiffer penalties for violation of Federal law. Additionally, it will authorize funding for Community Development Corporations to provide training and counseling on the home buying process. Not all subprime lenders are predatory, but most predatory loans are subprime loans. This legislation would work to weed out the bad actors that are responsible for equity stripping and other predatory practices.

I am pleased that the Financial Services Committee brought this bill to House floor for a vote today. It is a great piece of legislation which I support wholeheartedly. I look forward to working with the Financial Services Committtee to advance my legislation, H.R. 2061 which would protect borrowers from unscrupulous lending practices.

One of the first steps toward creating wealth is homeownership and I want to make sure that everyone is given the opportunity to not only attain but retain that goal.

Mrs. BIGGERT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–330, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

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

H.R. 1852

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Expanding American Homeownership Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Maximum principal loan obligation.
Sec. 4. Extension of mortgage term.
Sec. 5. Downpayment simplification.
Sec. 6. Mortgage insurance premiums for zero- and lower-downpayment borrowers.
Sec. 7. Mortgage insurance premiums for standard and higher-risk borrowers.
Sec. 8. Risk-based mortgage insurance premiums.
Sec. 9. Payment incentives.
Sec. 10. Borrower protections for higher risk mortgages.
Sec. 11. Annual reports on new programs and loss mitigation.
Sec. 12. Insurance for single family homes with licensed child care facilities.
Sec. 13. Rehabilitation loans.
Sec. 14. Discretionary action.
Sec. 15. Insurance of condominiums and manufactured housing.
Sec. 16. Mutual Mortgage Insurance Fund.
Sec. 17. Hawaiian home lands and Indian reservations.
Sec. 18. Conforming and technical amendments.
Sec. 19. Home equity conversion mortgages.
Sec. 20. Participation of mortgage brokers and correspondent lenders.
Sec. 21. Conforming loan limit in disaster areas.
Sec. 22. Failure to pay amounts from escrow accounts for single family mortgages.
Sec. 23. Acceptable identification for FHA mortgagors.
Sec. 24. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 25. Sense of Congress regarding technology for financial systems.
Sec. 26. Multifamily housing mortgage limits in high cost areas.
Sec. 27. Valuation of multifamily properties in noncompetitive sales by HUD to States and localities.
Sec. 28. Clarification of disposition of certain properties.
Sec. 29. Use of FHA savings for costs of mortgage insurance, housing counseling, FHA technologies, procedures, and processes, and for affordable housing grant fund, and study.
Sec. 30. Limitation on mortgage insurance premium increases.
Sec. 31. Savings provision.
Sec. 32. Implementation.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

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

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

''(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and''.

SEC. 4. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking ''thirty-five years'' and inserting ''forty years''; and

(2) by striking ''(or thirty years if such mortgage is not approved for insurance prior to construction)''.

SEC. 5. DOWNPAYMENT SIMPLIFICATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) not to exceed an amount equal to the sum of—

''(i) the amount of the mortgage premium paid at the time the mortgage is insured; and

''(ii)(I) except as provided in subclause (II), 97.75 percent of the appraised value of the property; or

''(II) in the case only of a mortgage described in subsection (c)(3), the appraised value of the property, plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage as approved by the Secretary.'';

(B) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''title 38, United States Code.''; and

(C) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership); and

(2) in paragraph (9), by striking the paragraph designation and all that follows through ''Provided further, That for'' and inserting the following:

''(9) Except in the case of a mortgage described in subsection (c)(3), be executed by a

mortgagor who shall have paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured). For''.

SEC. 6. MORTGAGE INSURANCE PREMIUMS FOR ZERO- AND LOWER-DOWNPAYMENT BORROWERS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c) is amended by adding at the end the following new paragraph:

''(3) ZERO- AND LOWER-DOWNPAYMENT BORROWERS.—

''(A) APPLICABILITY.—This paragraph shall apply to any mortgage that—

''(i) is secured by a 1- to 4-family dwelling that will be occupied by the mortgagor as his or her principal residence.

''(ii)(I) is an obligation of the Mutual Mortgage Insurance Fund or of the General Insurance Fund pursuant to subsection (v) of this section; or

''(II) is insured under subsection (k) of this section or section 234(c);

''(iii)(I) is executed by a mortgagor who has not had any present ownership interest in a principal residence, and whose spouse has not had any such interest, during 12-month period ending upon purchase of the residence with the mortgage to which this paragraph applies, except that this subclause shall be considered a program to assist first-time homebuyers for purposes of section 956 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12713); or

''(II)(aa) is made to pay or prepay, and fully extinguish, the outstanding obligations under an existing mortgage or mortgages on the same property; and

''(bb) involves a principal obligation not exceedign the amount necessary to fully pay or prepay such outstanding obligations under the existing mortgage or mortgages, plus any charges and fees involved in such transaction and any charges and fees in connection with the payment or prepayment of such outstanding obligations; and

''(iv)(I) involves a principal obligation that does not comply with subclause (I) of subsection (b)(2)(B)(ii) (relating to loan-to-value ratio); or

''(II) is executed by a mortgagor who has not paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured).

''(B) UP-FRONT PREMIUMS.—The amount of any single premium payment collected at the time of insurance may not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.

''(C) ANNUAL PREMIUMS.—Except as provided in subparagraph (D), the amount of any annual premium payment collected may not exceed 0.75 percent of the remaining insured principal obligation of the mortgage.

''(D) ANNUAL REDETERMINATION OF PREMIUM RATE.—The Secretary shall redetermine the rates of premiums not less than once every 12 months.''.

SEC. 7. MORTGAGE INSURANCE PREMIUMS FOR STANDARD AND HIGHER-RISK BORROWERS.

Paragraph (2) of section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) by striking the matter that precedes subparagraph (A) and inserting the following:

''(2) STANDARD-RISK MORTGAGES.—In the case of any mortgage that is secured by a 1- to 4-family dwelling, is an obligation of the Mutual Mortgage Insurance Fund or of the General Insurance Fund pursuant to subsection (v) of this section or is insured under subsection (k) of this section or section 234(c), for which the mortgagor has paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured), and that involves a principal obligation that complies with subclause (I) of subsection (b)(2)(B)(ii), the following requirements shall apply:''; and

(2) by adding at the end the following new subparagraph:

''(C) HIGHER-RISK BORROWERS.—The Secretary shall establish underwriting standards that provide for insurance under this section of mortgages described in the matter in this paragraph preceding subparagraph (A) for which the mortgagor has a credit score equivalent to a FICO score of less than 560, and may insure, and make commitments to insure, such mortgages. Such underwriting standards shall include establishing and collecting premium payments that comply with the requirements of this paragraph, except that notwithstanding subparagraph (A), the single premium payment collected at the time of insurance may be established in an amount that does not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''.

SEC. 8. RISK-BASED MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraphs:

''(4) FLEXIBLE RISK-BASED PREMIUMS.—In the case of a mortgage referred to in paragraph (2)(C) or (3)(A) for which the loan application is received by the mortgagee on or after October 1, 2007:

''(A) IN GENERAL.—The Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the requirements of subparagraph (B) and paragraph (5). Under such structure, the rate of premiums for such a mortgage may vary according to the credit risk associated with the mortgage and the rate of any annual premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subclause but only to the extent that such change is not applied to any mortgage already executed.

''(B) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

''(C) ANNUAL REPORT REGARDING PREMIUMS.—The Secretary shall submit a report to the Congress annually setting forth the rate structures and rates established and altered pursuant to this paragraph during the preceding 12-month period and describing how such rates were determined.

''(5) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing premiums for mortgages referred to in paragraph (2)(C), establishing premiums pursuant to paragraph (3), establishing a premium structure under paragraph (4), and when changing such a premium structure, the Secretary shall consider the following:

''(A) The effect of the proposed premiums or structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

''(B) Underwriting variables.

''(C) The extent to which new pricing under the proposed premiums or structure has potential for acceptance in the private market.

''(D) The administrative capability of the Secretary to administer the proposed premiums or structure.

''(E) The effect of the proposed premiums or structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.

''(6) AUTHORITY TO BASE PREMIUM PRICES ON PRODUCT RISK.—

''(A) AUTHORITY.—In establishing premium rates under paragraphs (2), (3), and (4), the Secretary may provide for variations in such rates according to the credit risk associated with the type of mortgage product that is being insured under this title, which may include providing that premium rates differ between fixed-rate mortgages and adjustable-rate mortgages insured pursuant to section 251, between mortgages insured pursuant to section 203(b) and mortgages for condominiums insured pursuant to section 234, and between such other products as the Secretary considers appropriate.

''(B) LIMITATION.—Subparagraph (A) may not be construed to authorize the Secretary to establish, for any mortgage product, any mortgage insurance premium rate that does not comply with the requirements and limitations under paragraphs (2) through (5).''.

SEC. 9. PAYMENT INCENTIVES.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(7) PAYMENT INCENTIVES.—

''(A) AUTHORITY.—With respect to mortgages referred to in paragraph (2)(C) or (3):

''(i) DISCRETIONARY 3-YEAR PAYMENT INCENTIVE.—The Secretary may provide, in the discretion of the Secretary, that the payment incentive under subparagraph (B) shall apply upon the expiration of the 3-year period beginning upon the time of insurance of such a mortgage.

''(ii) MANDATORY 5-YEAR PAYMENT INCENTIVE.—The Secretary shall provide that the payment incentive under subparagraph (B) applies upon the expiration of the 5-year period beginning upon the time of insurance of such a mortgage.

''(B) PAYMENT INCENTIVE.—In the case of any mortgage to which the payment incentive under this subparagraph applies, if, during the period referred to in clause (i) or (ii) of subparagraph (A), as applicable, all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall—

''(i) reduce the amount of the annual premium payments otherwise due thereafter under such mortgage—

''(I) in the case of a mortgage referred to in paragraph (3), to an amount that does not exceed the amount of the maximum annual premium allowable under paragraph (2)(B); and

''(II) in the case of a mortgage referred to in paragraph (2)(C), to an amount that does not exceed the amount of the annual premium payable at the time of insurance of the mortgage on a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more; and

''(ii) in the case only of a mortgage referred to in paragraph (2)(C), refund to the mortgagor, upon payment in full of the obligation of the mortgage, any amount by which the single premium payment for such mortgage collected at the time of insurance exceeded the amount of the single premium payment chargeable under paragraph (2)(A) at the time of insurance for a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more.''.

SEC. 10. BORROWER PROTECTIONS FOR HIGHER RISK MORTGAGES.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(10) BORROWER PROTECTIONS FOR CERTAIN MORTGAGES.—Except as otherwise specifically provided in this paragraph, in the case of any mortgage referred to in paragraph (2)(C) or (3)

of subsection (c), the following requirements shall apply:

''(A) DISCLOSURES.—

''(i) REQUIRED DISCLOSURES.—In addition to any disclosures that are otherwise required by law or by the Secretary for single family mortgages, the mortgagee shall disclose to the mortgagor the following information:

''(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage—

''(aa) a list of counseling agencies approved by the Secretary in the area of the applicant; and

''(bb) if the mortgagor is not provided counseling in accordance with subparagraph (B), the information required under subclauses (I), (II), and (III) of subparagraph (B)(iii) to be provided to the mortgagor.

''(II) AT EXECUTION.—At the time of entering into the mortgage—

''(aa) the terms of the mandatory 5-year payment incentive required under subsection (c)(7)(A)(ii); and

''(bb) a statement that the mortgagor has a right under contract to loss mitigation.

''(III) OTHER INFORMATION.—Any other additional information that the Secretary determines is appropriate to ensure that the mortgagor has received timely and accurate information about the program under paragraph (2)(C) or (3) of subsection (c), as applicable.

''(ii) PENALTIES FOR FAILURE TO PROVIDE REQUIRED DISCLOSURES.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide any disclosure required under clause (i).

''(iii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(B) COUNSELING.—

''(i) ALLOWABLE REQUIREMENT.—The Secretary may, in the discretion of the Secretary, require that the mortgagor shall have received counseling that complies with the requirements of this subparagraph.

''(ii) TERMS OF COUNSELING.—Counseling under this subparagraph shall be provided—

''(I) prior to application for the loan involved in the mortgage;

''(II) by a third party (other than the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership;

''(III) on an individual basis to the mortgagor by a representative of the approved third-party counseling entity; and

''(IV) in person, to the maximum extent possible.

''(iii) TOPICS.—In the case only of a mortgage referred to in subsection (c)(3), counseling under this subparagraph shall include providing to, and discussing with, the mortgagor—

''(I) information regarding homeownership options other than a mortgage that is subject to this paragraph, other zero- or low-downpayment mortgage options that are or may become available to the mortgagor, the financial implications of entering into a mortgage (including a mortgage subject to this paragraph), and any other information that the Secretary may require;

''(II) a written disclosure that sets forth the amount and the percentage by which a property with a mortgage that is subject to this paragraph must appreciate for the mortgagor to recover the principal amount of the mortgage, the costs financed under the mortgage, and the estimated costs involved in selling the property, if the mortgagor were to sell the property on each of the second, fifth, and tenth anniversaries of the mortgage; and

''(III) a written disclosure, as the Secretary shall require, that specifies the effective cost to a mortgagor of borrowing the amount by which the maximum amount that could be borrowed under a mortgage that is referred to in subsection (c)(3) exceeds the maximum amount that could be borrowed under a mortgage insured under this subsection that is not a mortgage referred to in such subsection, based on average closing costs with respect to such amount, as determined by the Secretary; such cost shall be expressed as an annual interest rate over the first 5 years of a mortgage; the disclosure required under this subclause may be provided in conjunction with the notice required under subsection (f).

''(iv) 2- AND 3-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- or 3-family residence, counseling under this subparagraph shall include (in addition to the information required under clause (iii)) information regarding real estate property management.

''(C) NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

''(i) WRITTEN AGREEMENT.—To be eligible for insurance under this subsection, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, a written agreement which shall be signed by the mortgagor and under which the mortgagee shall provide notice described in clause (ii) to a housing counseling entity that has agreed to provide the notice and counseling required under clause (iii) and is approved by the Secretary.

''(ii) NOTICE TO COUNSELING AGENCY.—The notice described in this clause, with respect to a mortgage, is notice, provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage, that the mortgagor is so delinquent and of how to contact the mortgagor. Such notice may only be provided once with respect to each delinquency period for a mortgage.

''(iii) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall at the earliest time practicable notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

''(iv) ABILITY TO CURE.—Failure to provide the written agreement required under clause (i) may be corrected by sending such agreement to the mortgagor not later than the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this clause.

''(v) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide the written agreement required under clause (i).

''(vi) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under clause (iii).

''(vii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(viii) DELINQUENCY PERIOD.—For purposes of this subparagraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.''.

SEC. 11. REFINANCING MORTGAGES.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following new subsection:

''(l) REFINANCING MORTGAGES.—

''(1) ESTABLISHMENT OF UNDERWRITING STANDARDS.—The Secretary shall establish underwriting standards that provide for insurance under this title of mortgage loans, and take actions to facilitate the availability of mortgage loans insured under this title, for qualified borrowers that are made for the purpose of paying or prepaying outstanding obligations under existing mortgages for borrowers that—

''(A) have existing mortgages with adverse terms or rates, or

''(B) do not have access to mortgages at reasonable rates and terms for such refinancings due to adverse market conditions.

''(2) INSURANCE OF MORTGAGES, THE SECRETARY MAY ISSUE MORTGAGES TO BORROWERS IN DEFAULT OR AT RISK OF DEFAULT.—In facilitating insurance for such mortgages, the Secretary may issue mortgages to borrowers who are, currently in default or at imminent risk of being in default, but only if such loans meet reasonable underwriting standards established by the Secretary.''.

SEC. 12. ANNUAL REPORTS ON NEW PROGRAMS AND LOSS MITIGATION.

Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended, by adding at the end the following new subparagraphs:

''(C) The rates of default and foreclosure for the applicable collection period for mortgages insured pursuant to the programs for mortgage insurance under paragraphs (2)(C) and (3) of section 203(c).

''(D) Actions taken by the Secretary during the applicable collection period with respect to loss mitigation on mortgages insured pursuant to section 203.''.

SEC. 13. INSURANCE FOR SINGLE FAMILY HOMES WITH LICENSED CHILD CARE FACILITIES.

(a) DEFINITION OF CHILD CARE FACILITY.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'child care facility' means a facility that—

''(A) has as its purpose the care of children who are less than 12 years of age; and

''(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located).

Such term does not include facilities for school-age children primarily for use during normal school hours.''.

(b) INCREASE IN MAXIMUM MORTGAGE AMOUNT LIMITATION.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by the preceding provisions of this Act, is further amended by adding at end the following new undesignated paragraph:

''Notwithstanding any other provision of this paragraph, the amount that may be insured under this section may be increased by up to 25 percent if such increase is necessary to account for the increased cost of the residence due to an increased need of space in the residence for locating and operating a child care facility (as such term is defined in section 201) within the residence, but only if a valid license or certificate of compliance with regulations described in section 201(g)(2) has been issued for such facility as of the date of the execution of the mortgage, and only if such increase in the amount insured is proportional to the amount of space of such residence that will be used for such facility.''.

SEC. 14. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 15. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 16. INSURANCE OF CONDOMINIUMS AND MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''and'' before ''(2)''; and

(ii) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(B) in clause (B) of the third sentence, by striking ''thirty-five years'' and inserting ''forty years''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before '' a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(h) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 17. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

''(B) to minimize the default risk to the Fund and to homeowners;

''(C) to curtail the impact of adverse selection on the Fund; and

''(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 18. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears and all that follows through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 19. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 20. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor', '';

(2) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(3) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''; and

(4) by adding at the end the following new subsection:

''(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar

amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

''(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) equal to 1.5 percent of the maximum claim amount of the mortgage, except that the Secretary may adjust the limitation under this paragraph on the basis of an analysis of (A) costs to mortgagors, and (B) the impact on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary or to mortgage brokers; and

''(5) apply beginning upon the date that the maximum dollar amount limitation on the benefits of insurance under this section is first increased pursuant to the amendments made by section 19(a)(2) of the Expanding American Homeownership Act of 2007.''.

(d) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on (1) costs to mortgagors, and (2) the financial soundness of the program. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

SEC. 21. PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) IN GENERAL.—

(1) DEFINITIONS.—

(A) IN GENERAL.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this Act, is further amended—

(i) by striking ''As used in section 203 of this title—'' and inserting ''As used in this title and for purposes of participation in insurance programs under this title, except as specifically provided otherwise, the following definitions shall apply:'';

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

''(2) The term 'mortgagee' means any of the following entities, and its successors and assigns, to the extent such entity is approved by the Secretary:

''(A) QUALIFICATION BY AUDIT AND NET WORTH.—A lender who—

''(i) closes a mortgage in its name and underwrites the mortgage, services the mortgage, or both underwrites and services the mortgage;

''(ii) submits to the Secretary such financial audits performed in accordance with the standards for financial audits of the Government Auditing Standards issued by the Comptroller General of the United States;

''(iii) meet the minimum net worth requirement that the Secretary shall establish;

''(iv) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a lender in such State; and

''(v) complies with such other requirements as the Secretary may establish.

''(B) QUALIFICATION OF CORRESPONDENT LENDERS BY SURETY BOND.—Except as provided in subparagraph (D), a correspondent lender who—

''(i) closes a mortgage in its name, but does not underwrite and does not service the mortgage;

''(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a correspondent lender in such State;

''(iii) posts a surety bond, in lieu of any requirement to provide audited financial statements or meet a minimum net worth requirement, that—

''(I) is in a form satisfactory to the Secretary;

''(II) is in an aggregate amount, to be determined by the Secretary based on the aggregate principal amount of single-family mortgages insured under this title that are placed in a calendar year, which shall not be less than $50,000 or more than $100,000, as such amount is adjusted annually by the Secretary (as determined by the Secretary) by the change for such year in the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor;

''(III) guarantees payment of any liability of the correspondent lender arising from its participation in the program, up to the penal sum of the surety bond; without regard to the number of years the bond remains in effect, the number of claims or claimants, and the number of premiums paid, in no event shall the aggregate liability of the surety exceed the penal sum of the bond; and

''(IV) may be cancelled by the surety as to future liability by giving 30 days notice in writing to the Secretary, except that any such cancellation shall not alter the liability of the surety for actions of the correspondent lender prior to the effective date of teh cancellation; and

''(iv) complies with such other requirements as the Secretary may establish, except that the Secretary shall not require any minimum net worth or certified financial statements.

''(C) QUALIFICATION OF BROKERS BY SURETY BOND.—Except as provided in subparagraph (D), a mortgage broker who—

''(i) closes the mortgage in the name of the lender, and does not underwrite and does not service the mortgage;

''(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a mortgage broker in such State;

''(iii) posts a surety bond in accordance with the requirements of subparagraph (B)(ii); and

''(iv) complies with such other requirements as the Secretary may establish, except that the Secretary shall not require any minimum net worth or certified financial statement.

''(D) CONDITIONS FOR CONTINUED APPLICABILITY.—(i) Subparagraphs (B) and (C) shall continue to apply after the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007 only if, after the expiration of the 4-year period beginning upon such date of enactment and taking into consideration the report submitted in accordance with section 19(b) of such Act, the Secretary—

''(I) makes a determination that such subparagraphs provide protection to mortgage insurance funds for mortgages insured under this title that are comparable to the protection provided by the requirements for mortgagees under this title as in effect immediately before the enactment of such Act; and

''(II) publishes in the Federal Register a notice of such determination and an order extending the applicability of such subparagraphs.

''(ii) If, taking into consideration such report, the Secretary makes a determination after the expiration of such 4-year period that subparagraphs (B) and (C) do not provide protection as referred to in clause (i) of this subparagraph, the Secretary may, by order published in the Federal Register, provide for the participation, after the expiration of the 5-year period referred to in clause (i), of correspondent lenders and mortgage brokers as mortgagees in the insurance programs under this title in accordance with subparagraphs (B) and (C) as modified by the Secretary as the Secretary considers appropriate to provide such protection.

''(E) ADDITIONAL MORTGAGE BROKER REQUIREMENTS.—

''(i) In addition to the requirements under subparagraphs (A) and (C) and to duties imposed under other statutes or common law, to be eligible as a mortgagee under this section, a broker shall—

''(I) safeguard and account for any money handled for the borrower;

''(II) follow reasonable and lawful instructions from the borrower; and

''(III) act with reasonable skill, care, and diligence.

''(ii) For purposes of this subparagraph, a loan correspondent shall be considered to be a mortgage broker.

''(iii) The duties and standards of care created in this subparagraph shall not be waived or modified.

''(iv) Any broker found by the Secretary to have violated the requirements of this subparagraph may not originate mortgage loans insured under this title.

''(3) The term 'mortgagor' includes the original borrower under a mortgage and the successors and assigns of the original borrower.''; and

(iii) by redesignating subsections (a), (c), (d), (e), (f), (g), and (h) as paragraphs (1), (4), (5), (6), (7), (8), and (9), respectively, and indenting such paragraphs two ems so as to align the left margins of such paragraphs with the left margins of paragraphs (2) and (3) (as added by clause (ii) of this subparagraph).

(B) MORTGAGEE REVIEW.—Section 202(c)(7) of the National Housing Act (12 U.S.C. 1708(c)(7)) is amended—

(i) in subparagraph (A), by inserting '', as defined in section 201,'' after ''mortgagee'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(C) MULTIFAMILY RENTAL HOUSING INSURANCE.—Section 207(a)(2) of the National Housing Act (12 U.S.C. 1713(a)(2)) is amended by striking ''means the original lender under a mortgage, and its successors and assigns, and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(D) WAR HOUSING INSURANCE.—Section 601(b) of the National Housing Act (12 U.S.C. 1736(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(E) ARMED SERVICES HOUSING MORTGAGE INSURANCE.—Section 801(b) of the National Housing Act (12 U.S.C. 1748(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(F) GROUP PRACTICE FACILITIES MORTGAGE INSURANCE.—Section 1106(8) of the National Housing Act (12 U.S.C. 1749aaa–5(8)) is amended by striking ''means the original lender under a mortgage, and his or its successors and assigns,

and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(2) ELIGIBILITY FOR INSURANCE.—

(A) TITLE i.—Paragraph (1) of section 8(b) of the National Housing Act (12 U.S.C. 1706c(b)(1)) is amended—

(i) by striking '', and be held by,''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(B) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(1)) is amended—

(i) by striking '', and be held by,''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(C) SECTION 221 MORTGAGE INSURANCE.—Paragraph (1) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

(i) by striking ''and be held by''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(D) HOME EQUITY CONVERSION MORTGAGE INSURANCE.—Paragraph (1) of section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)(1)) is amended by striking ''as responsible and able to service the mortgage properly''.

(E) WAR HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 603(b) of the National Housing Act (12 U.S.C. 1738(b)(1)) is amended—

(i) by striking '', and be held by,''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(F) WAR HOUSING MORTGAGE INSURANCE FOR LARGE-SCALE HOUSING PROJECTS.—Paragraph (1) of section 611(b) of the National Housing Act (12 U.S.C. 1746(b)(1)) is amended—

(i) by striking ''and be held by''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(G) GROUP PRACTICE FACILITY MORTGAGE INSURANCE.—Section 1101(b)(2) of the National Housing Act (12 U.S.C. 1749aaa(b)(2)) is amended—

(i) by striking ''and held by''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(H) NATIONAL DEFENSE HOUSING INSURANCE.—Paragraph (1) of section 903(b) of the National Housing Act (12 U.S.C. 1750b(b)(1)) is amended—

(i) by striking '', and be held by,''; and

(ii) by striking ''as responsible and able to service the mortgage properly''.

(I) CONTINGENT REPEAL.—Unless there is published in the Federal Register, before the expiration of the 5-year period beginning on the date of the enactment of this Act, an order under clause (i) or (ii) of section 201(2)(D) of the National Housing Act (12 U.S.C. 1707(2)(D)), as added by paragraph (1)(A)(2) of this subsection, upon the expiration of such period the provisions of such Act amended by this paragraph are amended to read as such provisions would be in effect upon such expiration if this Act had not been enacted (taking into consideration any amendments, after such date of enactment, to such provisions other than under this Act).

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study, upon the expiration of the 42-month period beginning on the date of the enactment of this Act, regarding the effect of the amendments made by subsection (a), which shall analyze and determine—

(A) the extent to which such amendments have resulted in increased participation, by mortgage brokers and correspondent lenders, in the mortgage insurance programs under the National Housing Act, as measured by the number and amounts of such insured mortgages, disaggregated by the States in which the properties subject to such mortgages are located;

(B) with respect to mortgages insured under such Act, a comparison in the numbers and rate of defaults, foreclosures, and mortgage insurance claims on such mortgages originated by mortgage brokers and correspondent lenders authorized to participate in the programs under such Act pursuant to the amendments made by subsection (a) to such numbers and rates on such mortgages originated by lenders who would be authorized to participate in such programs notwithstanding such amendments;

(C) any impact of such amendments on the costs to the Secretary of Housing and Urban Development of administering the mortgage insurance programs under such title; and

(D) the extent and effectiveness of the supervision and enforcement, by the Secretary, of the additional authority provided under the amendments made by subsection (a).

(2) REPORT.—Not later than the expiration of 4-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress and the Secretary of Housing and Urban Development setting forth the results and conclusions of the study conducted pursuant to paragraph (1).

SEC. 22. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after ''property'' the following: ''plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,'';

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: ''In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.''.

SEC. 23. FAILURE TO PAY AMOUNTS FROM ESCROW ACCOUNTS FOR SINGLE FAMILY MORTGAGES.

(a) PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (a)(1), by inserting ''servicers (including escrow account servicers),'' after ''appraisers,'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''or other participant referred to in subsection (a),'' after ''lender,'' ; and

(B) by inserting at the end the following new subparagraphs:

''(K) In the case of a mortgage for a 1- to 4-family residence insured under title II that requires the mortgagor to make payments to the mortgagee or other servicer of the mortgage for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, failure on the part of the servicer to make any such payment from the escrow account by the deadline to avoid a penalty with respect to such payment provided for in the mortgage, unless the servicer was not provided notice of such deadline.

''(L) In the case of any failure to make any payment as described in subparagraph (K), submitting any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''; and

(3) in subsection (c)(3), by adding at the end the following: ''In the case of any failure to make a payment described in subsection (b)(1)(K) for which the servicer fails to reimburse the mortgagor (A) before the expiration of the 60-day period beginning on the deadline to avoid a penalty with respect to such payment, in the sum of the amount not paid from the escrow account by such deadline and the amount of any penalties accruing to the mortgagor that are attributable to such failure, or (B) in the amount of any attorneys fees incurred by the mortgagor and attributable to such failure, the Secretary shall increase the amount of the penalty under subsection (a) for any such failure to reimburse, unless the Secretary determines there are mitigating circumstances.''.

(b) PROHIBITION ON SUBMISSION OF INFORMATION BY HUD.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PROHIBITION REGARDING FAILURE ON PART OF SERVICER TO MAKE ESCROW PAYMENTS.

''In the case of any failure to make any payment as described in section 536(b)(1)(K), the Secretary may not submit any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''.

SEC. 24. ACCEPTABLE IDENTIFICATION FOR FHA MORTGAGORS.

(a) IN GENERAL.—Title II of the National Housing Act is amended by inserting after section 209 (12 U.S.C. 1715) the following new section:

"SEC. 210. FORMS OF ACCEPTABLE IDENTIFICATION.

''The Secretary may not insure a mortgage under any provision of this title unless the mortgagor under the mortgage provides personal identification in one of the following forms:

''(1) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

''(A) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

''(B) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

''(2) PASSPORT.—A passport issued by the United States or a foreign government.

''(3) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).''.

(b) EFFECTIVE DATE.—The requirements of section 210 of the National Housing Act (as added by subsection (a) of this section) shall take effect six months after the date of the enactment of this Act.

SEC. 25. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient

credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program—

''(1) to first-time homebuyers; or

''(2) metropolitan statistical areas significantly impacted by subprime lending.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the four-year period beginning on the date that the Secretary of Housing and Urban Development first insures any mortgage pursuant to the automated process established under pilot program under section 258 of the National Housing Act (as added by the amendment made by subsection (a) of this section). Such automated process and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 26. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a ''high-risk'' program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The ''Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003'', conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that ''HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes''.

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 27. MULTIFAMILY HOUSING MORTGAGE LIMITS IN HIGH COST AREAS.

The National Housing Act is amended—

(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—

(A) by striking ''140 percent'' each place such term appears and inserting ''170 percent''; and

(B) by striking ''170 percent in high cost areas'' each place such term appears and inserting ''215 percent in high cost areas''; and

(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking ''206A'' and all that follows through ''project-by-project basis'' and inserting the following: ''206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170 percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis''.

SEC. 28. DISCOUNT SALES OF MULTIFAMILY PROPERTIES.

There is authorized to be appropriated, for discount sales of multifamily real properties under section 207(1) or 246 of the National housing Act (12 U.S.C. 1713(1), 1715z–11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a(a)), $5,000,000, for fiscal year 2008.

SEC. 29. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z–11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 30. NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 7) is amended by adding at the end the following new section:

SEC. 2004. NONCOMPETITIVE SALES IN FISCAL YEAR 2011.

''Notwithstanding any other provision of law, the Secretary may not sell any multifamily real property through any discount sale during fiscal year 2011 under the provisions of law referred to in section 2002(a) or any multifamily loan through any discount loan sale during such fiscal year under the provisions referred to in section 2002(b), unless the property or loan is sold for an amount that is equal to or greater than 60 percent of the property market value or loan market value, respectively.''.

SEC. 31. USE OF FHA SAVINGS FOR COSTS OF MORTGAGE INSURANCE, HOUSING COUNSELING, FHA TECHNOLOGIES, PROCEDURES, AND PROCESSES, AND FOR AFFORDABLE HOUSING GRANT FUND, AND STUDY.

(a) IN GENERAL.—Subject to subsection (c), there is authorized to be appropriated for each fiscal year an amount equal to the net increase for such fiscal year in, except as provided in subsection (b), the negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act resulting from this Act and the amendments made by this Act, for the following purposes in the following amounts:

(1) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—For each fiscal year, for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of mortgage insurance provided pursuant to section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), the additional amount (not including any costs of such mortgage insurance resulting from this Act or the amendments made by this Act), if any, necessary to ensure that the credit subsidy cost of such mortgage insurance for such fiscal year is $0.

(2) HOUSING COUNSELING.—For each of fiscal years 2008 through 2012, the amount needed to increase funding, for the housing counseling program under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), in connection with homebuyers and homeowners with mortgages insured under title II of the National Housing Act, from the amount appropriated for the preceding fiscal year to $100,000,000.

(3) MORTGAGE INSURANCE TECHNOLOGY, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, AND SALARIES.—For each of fiscal years 2008 through 2012, $25,000,000 for increasing funding for the purpose of improving technology, procedures, processes, and program performance, and salaries in connection with the mortgage insurance programs under title II of the National Housing Act.

(4) AFFORDABLE HOUSING FUND.—For each fiscal year, for an affordable housing fund available for use only for grants to provide affordable rental housing and affordable homeownership opportunities for low-income families, the amount remaining under this section after amounts are made available for such fiscal year in accordance with paragraphs (1), (2), and (3).

(b) EXCLUSION OF EARNINGS FROM THE SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.—With respect to a fiscal year, the negative credit subsidy determined under subsection (a) shall not include the negative credit subsidy cost for such fiscal year, if any, for mortgage insurance provided pursuant to section 203(b) of the National Housing Act.

(c) CERTIFICATION.—Subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rule making in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund) and ensure the safety and soundness of the other mortgage insurance funds under such Act, and any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(d) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential mortgage lending business and the secondary market for such mortgages on how best to update and upgrade procedures, processes, and technologies for the mortgage insurance programs under title II of the National Housing Act so that the policies and procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such procedures, processes, and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 32. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

Notwithstanding any other provision of law, including any provision of this Act and any amendment made by this Act—

(1) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 33. CIVIL MONEY PENALITIES FOR IMPROPERLY INFLUENCING APPRAISALS.

Paragraph (2) of section 536(b) of the National Housing Act (12 U.S.C. 1735f–14(b)(2)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) in the case of an insured mortgage under title II for a 1- to 4-family residence, compensating, instructing, inducing, coercing, or intimidating any person who conducts an appraisal of the property in connection with such mortgage, or attempting to compensate, instruct, induce, coerce, or intimidate such a person, for the purpose of causing the appraised value assigned to the property under the appraisal to be based on any other factor other than the independent judgment of such person exercised in accordance with applicable professional standards.''.

SEC. 34. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this title shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 35. IMPLEMENTATION.

Except as provided in section 23(b), the Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this Act. The notice shall take effect upon issuance.

The CHAIRMAN. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, except for amendment No. 2, which may be offered out of sequence, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–330.

Mr. CARDOZA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDOZA:

Strike line 19 on page 4 and all that follows through page 5, line 22, and insert the following:

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

''(ii) 175 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2008, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and except that, if the Secretary determines that market conditions warrant such an increase, the Secretary may, for such period as the Secretary considers appropriate, increase the maximum dollar amount limitation determined pursuant to the preceding provisions of this subparagraph with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to the preceding provisions of this subparagraph for such size residence, or for such area (if applicable), by not more than $100,000; and''.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Madam Chairman, I yield myself 2½ minutes.

I rise in support of this amendment, Madam Chairman. And I wish to begin by thanking Chairman FRANK for bringing this much-needed legislation to the floor, and for all his efforts to help the reeling housing industry in my area, and the country in general.

As we have heard from countless media reports, we are facing a growing mortgage crisis. Sadly, I represent an area that is particularly hard hit by this crisis. The community of Stockton has acquired the distinction of having the highest foreclosure rate of any U.S. city in the country, and there one in 20 households are in jeopardy of foreclosure at this time. In fact, Stockton has had 8,000 foreclosures so far in 2007.

This morning, the Modesto Bee reported that central California and central valley homeowners were six times more likely to be in mortgage default for last year than the national average. In addition, home values have plunged 15 to 20 percent so far this year.

This amendment will address this problem and help ameliorate the harsh effects of the credit crunch. First, the amendment raises the FHA loan limit to the lower of, A, 125 percent of the local median home price or, B, 175 percent of the national GSE conforming loan limit.

The biggest impact of this will be to make FHA loans available in low- and moderately income priced home markets. By raising the local loan limit up to 125 percent of the local median home price, FHA will be able to serve currently neglected populations and ensure loans in this vast and middle-market area. In addition, the amendment will have the effect of serving high-cost areas as well. By raising this artificial cap to 175 percent of the GSE conforming loan limit, the amendment will allow FHA to serve high-cost areas.

California has some of the highest priced real estate anywhere in the country. This amendment, by expanding FHA's reach to high-priced areas, will finally bring the benefits of FHA to millions of deserving Californians.

In addition, there are other areas of the country where this will have a monumental impact. Massachusetts, New York, Connecticut and other areas are all high-cost areas and will benefit tremendously from raising the loan limit. Raising loan limits and enhancing the ability of FHA to serve currently neglected populations will have the effect of generating more liquidity

in the market and enhancing lender confidence. This will enable more borrowers who are facing loan resets to refinance their mortgages on more favorable terms.

This amendment has strong support of the National Association of Realtors, the National Association of Home Builders, and others on the front lines of the housing industry. They know the needs of this industry, and they know that this bill will help.

Mrs. BIGGERT. Madam Chairman, I rise in opposition to the amendment.

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

Mrs. BIGGERT. With that, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Chairman, I'm rising asking for strong support of this amendment, so it's not really in opposition to the amendment.

This bill, and this amendment, particularly, is to encourage the FHA program and products and make sure they're available across this country to help working families to achieve and maintain homeownership through the FHA program.

The bill we are considering here today reforms the FHA single-family mortgage insurance program so that we can reach working families it was created to serve. I don't think there is any question that the FHA program, as currently structured, has not kept pace.

Today, FHA is no longer a useful product to prospective home buyers. The problem is that statutory limitations preclude the FHA from adopting a rapidly changing marketplace that we experience today.

As the private sector mortgage markets become more efficient, the FHA program's inflexible rules and requirements left it virtually irrelevant as a financing option. Under the current limitations, FHA products are not available for home buyers in high-cost areas of the country because the maximum loan limits are so much lower than the median home prices in that area.

We did something very similar to this when we did the GSE in the high-cost areas. And the only people arguing against raising this conforming loan limit to high-cost areas were those whose home median prices fell far lower than the median amount they were able to loan on. If your median home area is 200,000 and it isn't 435, you don't care. But in California and other areas, it is quite the opposite.

Now California's drop in FHA volumes have been nothing short of stunning. In 2000, FHA insured 109,074 mortgages in California, but last year it only insured 5,137. In my district, FHA insured 7,000 mortgages in 2000 and only 80 mortgages in 2005. These figures represent a 99 percent drop in what FHA is able to loan in these high-cost areas. That in and of itself states that there is a huge problem that this amendment is trying to cover and create the shortfall that currently exists in the program. Arguably, working families in high-cost areas of the country are just the kind of underserved populations the FHA program was originally intended to serve.

If we want to ensure that FHA is relevant for all those who need it, we must reform the program so it is available to low- and moderate-income families across the country, even those in high-cost areas.

On August 31, the President announced his goal to help an estimated 240,000 families avoid foreclosures by enhancing the FHA program. Under the President's plan, FHA will allow families with strong credit histories who have been making timely mortgage payments before their loan reset, but are now in default, to qualify for refinancing. Unfortunately, without an increase in the loan limits, this program will not help families in high-cost areas.

This amendment, supported by Mr. FRANK, Mr. CARDOZA and myself, would make sure that families can refinance in the FHA products by raising the FHA single-family loan limits in each local area to the lower of 125 percent of the area median home price, or 175 percent of the national GSE conforming loan amendments.

The amendment also gives HUD authority to raise these loan limit amounts by up to $100,000 ''if market conditions warrant.''

The NAHB, National Association of Home Builders, has written a very strong letter in support of what we are trying to do. Many builders are selling homes today, and the problem they have is the person buying their home cannot find financing to sell their home. And this will help those people who are looking for financing and dealing with liquidity shortages in the marketplace.

The National Association of Realtors has also written a very strong letter supporting what we're trying to do today. The problem they're facing today with people in the mortgage bracket that we're trying to deal with in this amendment, this will go a long way to providing liquidity and competition in the marketplace to ensure that American home buyers and families have the best and most opportunities that can be achieved through the marketplace through this amendment. So this is a very good amendment, and I would ask for an ''aye'' vote.

Mr. CARDOZA. Madam Speaker, I want to thank my colleague, Mr. MILLER, for his kind and accurate comments. And I would like to now yield 1 minute to my colleague from California (Ms. WATERS).

Ms. WATERS. I appreciate Mr. CARDOZA's amendment so much because it does have an important impact on high-cost markets like our home State of California. The FHA statute creates an artificial cap on the maximum home price, meaning that FHA does almost no loan business in certain high-cost markets. Now, this will put FHA back in the business of insuring loans in high-cost areas, not only in California, New York, Connecticut, Massachusetts, and other areas with a limited FHA presence. This amendment also puts FHA in a better position to help subprime borrowers and address temporary dislocations.

Even before the recent mortgage crisis developed, there was a bipartisan consensus shared by the administration that reformed H.R. 1852 would help get FHA back in the business of making loans at good terms and conditions to borrowers that turned to predatory loans in recent years. This amendment expands the extent to which this objective can be achieved. This is absolutely a great amendment, and I support it.

□ 1300

Mrs. BIGGERT. Madam Chairman, I recognize myself for 1 minute.

I really believe in the concept of this. I think that there are a lot of high-cost areas that will really benefit from this. I hope that this will not hurt some of the low-cost areas; in other words, I think that the administration has said something about the fact that some of the areas across the country would be hurt and would lower, go below the $419,000 limit. So I hope that that will be addressed. I see Mr. FRANK getting up. Maybe he would like to comment on that.

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

Mr. CARDOZA. I yield 1 minute to the chairman of the committee, Mr. FRANK.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentleman, and I thank the gentlewoman from Illinois. She is absolutely right. If I thought this would in any way impinge on our ability to help middle- and lower-income people, I would be opposed to it. In fact, if this works as we believe it will work, it will be the opposite. Because CBO has consistently scored, we haven't had this particular amendment scored, but prior amendments that have raised the limit at which the FHA can operate have been scored by CBO as generating a surplus, a positive number. That is some of the money that we are going to use. As the gentlewoman knows, while there is some controversy about this thing, we significantly increase in this bill the amount for counseling, because if there had been proper counseling, a lot of people wouldn't have been stuck at preprime. The counseling is aimed at people in the lower brackets. This is part of the money for it.

I would be willing, when we get to conference, to say, if, in any way, this would appear to be impinging on the ability to do the rest of the mission, we would cut it off. But the way it is going to work, it will, in fact, generate a surplus which we intend to use to help precisely the people whom the gentlewoman refers to.

I thank the gentleman. I appreciate his advocacy of this. He has been one of those who, from California, has been most vigorous in reminding us of the need to do it.

Mr. CARDOZA. Madam Chairman, in the short period of time we have remaining, I just want to thank the chairman of the Financial Services Committee for his leadership, my colleagues on the Republican side for their support, particularly Mr. GARY G. MILLER. This is important legislation for our country when you live in an area where the housing prices have declined precipitously by 20 percent less in a year, where you see foreclosures rampant. In my district alone, there are probably over 20,000 such foreclosures. It is having real impacts on real families in my district and across America. We need to change these regulations and bring help to these citizens in need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. TIERNEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–330.

Mr. TIERNEY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TIERNEY:

Page 66, after line 25, insert the following new section:

SEC. 31. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid, at the time of insurance, for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Madam Chairman, this amendment seeks to assist those individuals who are eligible borrowers that have been unfairly impacted by a statutory change to HUD's upfront mortgage insurance premium refund policy.

Under the HUD program, borrowers pay an upfront mortgage insurance of 1.5 percent of their FHA loan amount, and if they repay that loan, the borrowers may be due refunds of the prepaid insurance.

However, back in 2005 when Congress passed a Consolidated Appropriations Act, it included language directing that, for mortgages endorsed for insurance on or after the date of enactment, which was December 8 of 2004, borrowers would not be eligible for refunds on their prepaid insurance.

I have heard from constituents in my district, and I am sure there are constituents in other districts as well, who closed on their mortgage prior to December 8, 2004, but regrettably have been prevented from receiving their refund because HUD did not endorse their loan until after December 2004. These constituents reportedly were not adequately informed by their lender about the potential revisions to the refund policy because the lenders themselves were not informed by HUD of the change until January of 2005.

I have heard from one family, for instance, who is seeking to buy a home in Gloucester, Massachusetts, and found themselves harmed by this provision. Although they seemed to do everything right in their own front, they were closing on their loan in November 2004, the family was prevented from receiving a refund that totaled almost as much as $5,000 because HUD endorsed their mortgage on December 10, 2004, and their lender never informed them of that consequence because, as I mentioned, the lender didn't learn it until December 2005. It certainly seems that it was an unintended consequence of the provisions in the Consolidated Appropriations Act of 2005.

Also worth noting is that in response to a letter that was sent by Chairman FRANK and me to the HUD Secretary, Alphonso Jackson, it was indicated in his letter that he did not support the changes to the refund policy in their Consolidated Appropriations Act of 2005.

This amendment makes a meaningful first step toward helping certain eligible borrowers, many of whom are low-income families who have played by the rules in pursuing their dreams of homeownership.

Madam Chairman, I urge my colleagues to support this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT 3 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–330.

Mr. GARY G. MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARY G. MILLER of California:

Page 7, strike line 10 and insert the following:

(2) in paragraph (9)—

(A) by striking the paragraph

Page 7, line 19, strike the last period and insert ''; and''.

Page 7, after line 19, insert the following:

(B) by inserting after the period at the end the following: ''For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts gifted by a family member (as such term is defined in section 201), the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift: For purposes of the preceding sentence, the term 'qualified homeownership assistance entity' means any governmental agency or charity that has a program to provide homeownership assistance to low- and moderate-income families or first-time home buyers, or any private nonprofit organization that has such a program and evidences sufficient fiscal soundness to protect the fiscal integrity of the Mutual Mortgage Insurance Fund by maintaining a minimum net worth of $4,000,000 of acceptable assets.''.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. I rise to offer an amendment to H.R. 1852, the Expanding American Homeownership Act of 2007.

My amendment would allow qualified down payment assistance providers to participate in the FHA program if certain conditions are satisfied to ensure that the down payment assistance program is legitimate and that the gift that is provided to the homeowner and the home buyer is truly a gift.

One of the primary barriers for many Americans to achieving the dream of homeownership is the lack of accumulated wealth and disposable income required to come up with the down payment and closing costs needed to purchase a home. While they can afford monthly payments, some families have not been able to accumulate enough to cover down payment and closing costs.

Fortunately, some charitable organizations have developed programs to help provide down payments to families that would qualify for the mortgage for the FHA program but for the lack of cash for a down payment. These down payment assistance programs have been successful in expanding homeownership opportunity for millions of families. The private sector has been working without government intervention to assist individuals and families who lack the necessary funds for down payments and other related costs become home buyers. In fact, Congress looked at the success of these

programs when it created the American Dream Downpayment Act, a government program passed in 2003 to provide up to $10,000 in down payment and closing cost assistance to first-time home buyers.

Similarly, H.R. 1852, the bill you are reviewing today, authorizes HUD to allow zero down payment FHA loans for home buyers who could not otherwise make the down payment required under the FHA rule.

In the past, HUD has permitted the use of charitable down payment assistance programs in conjunction with FHA insured loans. Recently, however, HUD issued a proposed rule that would effectively eliminate many legitimate down payment assistance providers from assisting in FHA programs.

We are hearing that just last week HUD sent a rule over to OMB for final approval. I am very concerned about the impact of this proposed rule on homeownership in our country.

Rather than going too far by eliminating all down payment assistance providers, all that is really needed is a reasonable and fair criteria by which these programs can continue to operate while also protecting the FHA insurance fund. If there are legitimate problems that have been identified by HUD, then we should absolutely fix these problems. In fact, the full House has agreed that we should strengthen the rules for down payment assistance providers rather than eliminate them completely from the FHA program.

In July, the House unanimously passed an amendment I offered with Housing and Community Opportunity Subcommittee Chairman WATERS and Representative AL GREEN to the Transportation-HUD appropriations bill, which prohibited HUD from taking any action to issue its final rule or otherwise implement all or any part of the proposed rule.

The amendment prevented HUD from finalizing or implementing the rule to end participation of down payment assistance providers in the FHA program. Our argument, then, was that HUD's proposal was too harsh a step and we would work to include language in the FHA bill to fix the problems that HUD has identified with some down payment assistance providers.

This is what my amendment before you today seeks to do. The amendment I offer today is a followup on our work during the THUD bill to put the brakes on the HUD rule and instead address the problem HUD has identified with certain down payment assistance providers. This amendment would put the controls in place to weed out the bad actors while allowing those who help millions become homeowners continue to do the good work they are doing. Unlike the HUD rule, my amendment would preserve the down payment assistance programs' participation in FHA while ensuring they are legitimate and helpful to the home buyers.

As you know, H.R. 1582 already includes language to end the practice of inflated appraisals, which was a key argument HUD used against the down payment assistance programs. My amendment builds on this provision and says that down payment assistance providers may participate in FHA so long as the down payment they are offering is truly a gift; in other words, that it reduces the amount owed on the home. My amendment also imposes a net worth requirement on such providers to alleviate the quality and quantity involved within the activity. This provision specifically responds to HUD's complaints regarding the plethora of small, fly-by-night operators that open up and that close down on a regular basis to avoid regulatory scrutiny. Many of these groups are starting business one day, getting involved in things they should not, and closing down immediately.

These three improvements to the current situation, number one, prohibiting inflated appraisals; two, ensuring DPA providers offer an actual gift; and three, imposing a net worth requirement, will weed out the bad actors while not prohibiting all down payment assistance providers from participating in FHA, as the HUD proposal would have done.

With limited resources at the Federal level, Congress viewed the American Dream Downpayment Act as a complement, rather than a replacement, to the tremendous work down payment assistance providers were already doing to help build communities. There are simply not enough resources at the Federal level to do this alone.

To address HUD's concerns, we should implement the same underwriting criteria that would be used on the new zero down payment program within FHA and what HUD already uses on the American Dream Downpayment Act.

If we have come up with a reasonable system of underwriting to give Federal dollars to assist a family in buying a home, then we can certainly use the same criteria to allow the private sector to put forth people and moneys in these programs to allow people to own their homes.

If FHA can offer a zero down payment loan under a given underwriting criteria, as proposed by this bill, then the private sector down payment assistance programs should also certainly be subject to this same criteria.

To eliminate the possibility for a million families to own a home through down payment assistance providers but allow them to use the Federal Government for a down payment grant seems contradictory. If it works for the Federal program, then it should work for the private sector alternative, as well.

My amendment addresses the problems with certain down payment assistance providers that HUD has identified. Rather than eliminating all providers, as the HUD rule attempts to do, it puts the protections in place to ensure the home buyers are getting a legitimate helping hand from these charitable entities.

Madam Chairman, I ask for an ''aye'' vote on the amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise to seek the time to discuss this, with a certain ambiguity as to my position.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. To two aspects of it, yes, Madam Chair.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California such time as she may consume.

□ 1315

Ms. WATERS. Madam Chairman, I hope that our chairman didn't confuse you with that convoluted definition of what the time is that we are claiming.

Madam Chairman, I am in strong support of this amendment. As a matter of fact, I would like to take this moment to commend and thank my colleague, Mr. MILLER, for the work that he has done in helping other Members to understand what this is all about.

I can recall when we had the hearing and everybody said, well, this is such a wonderful idea. As a matter of fact, all of us voted for the American Dream Down Payment Act on both sides of the aisle. We can't understand why there would be any questions or any problems about the way that there is assistance being given to would-be homeowners by organizations such as the ones who were presented to us on that day of the hearing. So because of his expertise and his understanding and his appreciation, he has helped us all to come together, and it has support on both sides of the aisle.

As was mentioned, the amendment would allow qualified down payment assistance providers to participate in an FHA program if certain conditions are satisfied, that is, no obligation for the mortgagor to repay and net worth requirement.

The Secretary shall consider as cash or its equivalent any amounts gifted by a family member, the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift.

I rise in support of this amendment. It is a major step in the direction of capturing the benefits of down payment assistance programs to over 1 million households since 1999, many of them FHA-insured borrowers, while safeguarding against bad actors in the field. The minimum capitalization requirement will protect borrowers from fly-by-night operations, which the explicit prohibition against requiring repayment of such assistance by the borrower will ensure that the benefit is indeed a gift.

Equally important, the additional measures to ensure the legitimacy of

appraisals in FHA-insured transactions contained in H.R. 1852 and the manager's amendment to the bill will help safeguard the entire progress. Inflated appraisals undercut the legitimacy of seller-financed down payment assistance.

Down payment assistance that is repaid from a seller's proceeds that derive from a borrower's ability to get a loan based on an inflated appraisal is no gift at all to the borrower. H.R. 1852 cracks down on such schemes, while preserving the field for legitimate down payment programs. Accordingly, I urge my colleagues to support this amendment.

Mr. GARY G. MILLER of California. Madam Chairman, I want to thank MAXINE WATERS for her kind comments. I remember when we were debating the American Dream Down Payment Assistance Act, and we used the private sector down payment assistance program as the tool and the argument to expand upon and have government also get involved. These private sector groups have put over 1 million people in homes that could not otherwise be in homes.

This continues a program that has worked very well and eliminates the bad actors that HUD is talking about. I think if this is implemented, this bill will be a very strong bill, and I ask for an ''aye'' vote.

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

Mr. FRANK of Massachusetts. Madam Chairman, I claimed the time in opposition, but having listened to my two very persuasive colleagues, I have been converted and I now support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–330.

Mr. BISHOP of New York. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BISHOP of New York:

Page 35, after line 24, insert the following:

(2) in subsection (b)(4), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.''.

Page 35, line 25, strike ''(2)'' and insert ''(3)''.

Page 36, line 7, strike ''(3)'' and insert ''(4)''.

Page 36, line 9, strike ''(4)'' and insert ''(5)''.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chairman, let me start by thanking both Chairman FRANK and Chairwoman WATERS and their staffs for working with us on this amendment.

Very simply, my amendment would make it easier for those who owned fixed-foundation homes on leased land to receive a reverse mortgage. Current law allows seniors who own fixed-foundation homes on leased land to receive a reverse mortgage only if the lease is for a term of not less than 99 years or if the lease is for a period of not less than 10 years beyond the maturity of the mortgage. While this language covers some seniors, many elderly Americans who own a permanent-foundation home in a senior community where the land is leased are not covered by either of these two categories of leases.

My amendment would remove the provision in the bill that allows for a reverse mortgage if the lease term is for 10 years beyond the maturity of the mortgage and replace it with language that both clarifies and expands eligibility. Specifically, my amendment would broaden eligibility to seniors who have a lease term that ends no earlier than a minimum number of years beyond their actuarial life expectancy.

This amendment is a commonsense solution to a problem that affects many seniors, both in my district and across the country; and I urge its adoption.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Chairman, I did want to ask a question of the gentleman from New York. I have a concern about his amendment, only because it does not seem to me to go far enough.

One of the things we have tried very hard to do in our committee is to end what has been a kind of discrimination against manufactured housing, because if we are going to get to more people being able to own homes without getting into a subprime type of situation where people are induced to borrow more than they should, manufactured housing should be part of it.

The gentleman's amendment is properly, from his standpoint, addressed to a situation in his own district where fixed-foundation housing is involved. But my question here would be, and I realize it is under the rule not possible to change the amendment now, but I would have this question: If his amendment would be adopted, if as the process went forward some of us were able to work to expand this so it wasn't limited to fixed foundation, would the gentleman from New York have any objection to that?

And I will yield to him.

Mr. BISHOP of New York. I would have no objection. In fact, I would welcome it.

Mr. FRANK of Massachusetts. Madam Chairman, in the face of that degree of reasonableness, I withdraw my opposition.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–330.

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

Page 64, strike lines 6 through 13.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Madam Chairman, recently the Democrat majority in this institution sought to create yet another new government housing program, the Affordable Housing Fund. This is on top of the roughly 80 other programs that HUD administers for Housing and Urban Development. So, Madam Chairman, we are being asked today in the underlying bill to fund a new program, without terminating any of the other 80-some-odd programs that are presently on the books; although many have already achieved their mission, many are ineffective, many are duplicative and many are quite costly.

Madam Chairman, the so-called Affordable Housing Fund, as designed, will grant moneys to States for a variety of purposes. I know that the purposes are noble, but many of us believe that, unfortunately, this could become a de facto housing slush fund.

I furthermore note, as moneys are handed to the States, almost every State in our Union is presently running a surplus, yet we regrettably know the Federal Government continues to run a deficit. So how much sense does this make?

For those who tell us that the Federal housing function is underfunded, I might note that according to OMB, in a little over 10 years we have gone from $15.4 billion to $30 billion, roughly double. That rate is higher than the increase in veterans spending, education spending, energy spending, transportation spending, international affairs, and even Social Security over the same period.

Although the House has passed this ill-conceived program, there has been no Senate action. The President has signed no bill. So we are being asked, Madam Chairman, to fund a program that doesn't even exist, when hard-working Americans can't even fund the roughly 10,000 Federal programs that are already on the books.

My amendment is a simple one. It would remove this funding mechanism in this bill for the so-called Affordable Housing Fund. The funding mechanism shouldn't be in this bill. It has nothing to do with fundamentally reforming FHA. And the bill siphons money from the FHA through what I believe and many of us believe to be a back-door tax on the FHA premiums paid by 4.8 million families that are using FHA insurance. It does this by diverting part of the increase from a negative credit subsidy.

To try to speak English here, it appears that people are overpaying their premiums. If so, maybe that money ought to go back to the people who paid the premiums in the first place.

I know the creation of the fund has been a long-time goal for Chairman FRANK. I appreciate his sincerity, and I appreciate the nobility of his purpose and his ideological consistency. But the fact remains that this is a back-door tax on low- and moderate-income Americans who use FHA.

This funding provision is unnecessary, it is unwise, it is unsound. The money ought to go back to the people who paid it. And if that is not the will of the House, it should at least, at least, be used for those who paid the premiums in the first place.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise to sincerely seek time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Thank you, Madam Chairman.

We have been debating this. It is a legitimate issue. We debated it when the gentleman from Georgia offered a version of it in the appropriations bill. We debated it previously. We debated a similar argument when we had the GSE bill.

The gentleman says there are 80 HUD programs and HUD money has gone up. The major reason the HUD funding has gone up, the single biggest one, has been in the section 8 rental program. There is a problem with section 8. Section 8 adds equity. But the current section 8 program provides rental assistance for one year at a time. No one can build affordable housing based on an annual grant. So what section 8 does, while it does provide some equity and I have been supportive of it, it increases the demand for housing without increasing the supply.

So in the current formation of Federal policies, the Federal Government puts upward pressure on rentals in the moderate- and low-income areas, because we give people billions of dollars to rent apartments in a way that does not lead to any construction.

This tries to make it a more balanced program. This and the GSE bill take money to begin the process of constructing affordable housing, which in the end could save us money, because it will then say that the rental levels which section 8 is driving up will no longer be driven up.

The gentleman says it is going to be a tax on the FHA. In fact, I hope the gentleman, given his concern about a tax on the people who get mortgage insurance from the FHA, will vote against the amendment to be offered by the gentlewoman from Illinois, because in this bill, unlike the gentlewoman's amendment, we have very tough restrictions on HUD's ability to raise the FHA fund unless it is necessary for solvency.

In a bipartisan basis last year, we wrote to them and we did it in the appropriations bill, because HUD was being told by OMB, not HUD, HUD made it very clear, this was an OMB directive, raise the FHA fees because FHA isn't contributing enough to the budget.

We put into our bill's restrictions, we have a restriction in our bill on the amount that can be charged for home equity mortgages by the originators. It is not in the gentlewoman from Illinois's amendment. We put caps on the FHA. So exactly the opposite is the case. And as far as this is concerned, the bill specifically says that no money can go to the Housing Trust Fund until the HUD Secretary has certified that the fund will be totally solvent and this will not endanger it.

The money that would go to affordable housing does not come from raising anybody's fee. It comes from an increase in volume. We capped the fees. I want to emphasize this. In the bill that we have, as opposed to the gentlewoman from Illinois's substitute, there are two separate restrictions on FHA's ability to raise fees that she doesn't have.

What we do is the law now says FHA can only do 65,000 home equity reverse mortgages a year. We say, no, there is no reason for that limit. We say do as many as the market will bear, with a restriction on what can be charged.

That is what generates the money. It is an increase in volume at a lower price to the consumer that generates the money; and if that increased volume and the lower price to the consumer results in there being a surplus that we can spend to build rental housing, as long as HUD certifies that that would not in any way require any increase in the FHA, we say, go ahead.

□ 1330

As to affordable housing, there is a severe crisis in rental housing in this country, and you had some of the people pushed into subprime situations because there wasn't enough rental housing. We think the Affordable Housing Trust Fund helps deal with that.

Madam Chairman, I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I rise in support of this amendment, and I rise in opposition to the financing of an affordable housing fund.

I don't believe that this fund should be included in legislation to update and improve the Federal Housing Administration. I hope my colleagues will join me in opposing the underlying bill if this provision is included in the legislation.

In 2005, I offered an amendment in the Committee on Financial Services to strike the creation of an affordable housing fund. Part of this is philosophical, but ideas have consequences and bad ideas have bad consequences in the long run. As I said 2 years ago, this fund is straight out of central planning 101. It should not be supported by this body.

I think by now we should be able to agree that government housing grants do little to increase homeownership levels in this country. If these funds must be derived, they should be geared towards ensuring that the FHA remains solvent rather than supporting an experiment in socialism here.

Furthermore, this fund could not be proposed at a worse time, as we see the current spike in foreclosures in the subprime mortgage market, many of which are backed by the Federal Housing Administration. Homeownership rates improve when real interest rates are low and when consumer incomes are rising, are going up. I believe free market policies are the most effective way to generate those results, creeping towards socialism will not. This fund will waste resources and provide false hope for those who wish to increase homeownership.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 30 seconds to say that I appreciate the candor of the gentleman from California. He is against Federal programs that help build affordable housing; I understand that. By the way, this is not, of course, the old forms of public housing. This is going to be a private corporation.

But I would say to my friends on the other side, I don't think that you can argue both that we already have enough programs to do this and that we shouldn't have any at all. In fact, we do not now have programs that help build family affordable housing. We think in cooperation with the private sector, and the gentleman mentions the market, every private market entity, the Realtors, the home builders who are involved in construction in the private market, support the creation of the housing fund.

Mr. HENSARLING. Madam Chairman, either there is a surplus or there is not a surplus. It is really that simple. So now the question is if there is a surplus, what do you do with it. We believe that surplus ought to go back to

the people who paid for it in the first place. And if it is not going to go back to them, it ought to serve them and it should ensure the solvency of this program, since we know Uncle Sam's track record on just about every other Federal insurance program is terrible. This should ensure the solvency of the program.

We do not need a funding mechanism for another housing program that does not exist on top of the 90, many of which are not working.

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

Mr. FRANK of Massachusetts. Madam Chairman, I congratulate the gentleman's dexterity, on his ability to go 180 degrees opposite on his argument mid-amendment.

He started out saying we can't do this because it will jeopardize the FHA. We point out that in the bill that couldn't happen. This bill says this money cannot be used if it would in any way jeopardize an FHA situation. So he says okay, let's take the surplus and put it into the regular budget. That is a debate. Do we take surplus and put it into the budget to detract from other spending? I don't think so. I guess the question is this. If you take out an FHA mortgage and get mortgage insurance, and if our bill doesn't pass, this administration will raise that fee to make more money, should that go to the war in Iraq and for contractors in Iraq who are wasting money? Or should it go to build affordable housing in our cities, because that is where the money is going. The money is not going to reduce the deficit; it is going to be wasted elsewhere.

What we say is this. We should be building affordable housing. Some Members say don't give money to the States. No, I think that is a very good way to go. I think the States and the localities are best able to respond, and I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. TIBERI

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–330.

Mr. TIBERI. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TIBERI:

Page 17, strike lines 3 through 16 and insert the following:

''(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage, a list of counseling agencies, approved by the Secretary, in the area of the applicant.''.

Page 18, strike lines 20 through 22 and insert the following:

''(i) REQUIREMENT.—The Secretary shall require that the mortgagor shall''.

Page 19, strike lines 4 through 5 and insert the following:

''(I) prior to closing for the loan involved in the mortgage;''.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Ohio (Mr. TIBERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

I would like to thank Chairman FRANK and Chairman WATERS for their leadership on these issues. For the, last 6 years I had an opportunity to work with both in the Committee on Financial Services and Housing Subcommittee on very important issues. Unfortunately, I am no longer on the committee but the issues are still very important to me.

This amendment today is about empowering home buyers. It would require the Secretary of Housing and Urban Development to ensure high-risk borrowers and borrowers who are applying for zero down-payment loans to receive housing counsel. Under the current bill, the language allows the Secretary to provide counseling; this requires it.

Madam Chairman, as a former Realtor, I have seen firsthand the benefits, the joys, the importance of homeownership in America. However, given the current environment in our country, we need to make sure that there are safeguards put in place to protect homeowners to ensure fiscal responsible homeownership and guard against further default, bankruptcy and loss of home.

Buying a house today arguably is the most important and biggest investment in a person's life. Counseling, I have found, plays a very important role in empowering consumers, leveling the playing field, and making sure they have all of the right information to go into owning their own home.

In the past year, Ohio, California, Florida, Michigan and Georgia have comprised over half of our Nation's foreclosed homes. Recently Ohio, under the leadership of Governor Strickland, established the Ohio Foreclosure Prevention Task Force, which is comprised of various advocates and people in the housing community throughout the State.

In their report, they listed seven recommendations. One of those recommendations was to focus on expanding housing counseling services and making it available to everyone.

This amendment today only deals with two classes of borrowers: high-risk borrowers and those who are applying for zero-down loans under this legislation.

I believe it is very, very important, critically important, Madam Chairman, to make sure these borrowers understand the importance of homeownership, the responsibilities of homeownership. Madam Chairman, it is important because if we are going to take a bite out of this problem, and a bite is all this does today with this amendment because it only deals with those two types of borrowers, we need to make sure that every single borrower who is applying for a home under these two circumstances get all of the education that they need and deserve.

So I urge the adoption of this amendment. This is about empowering consumers, and I hope the House supports the amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I claim the time in opposition.

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

Mrs. BIGGERT. Madam Chairman, I have some concerns about what we would call unintended consequences. I am a big supporter of financial literacy, and I chair the caucus. It is so important home buyers know what they are getting into, and I think that counseling is very important. I think that if we have an educated home buyer, we might not see so many of these foreclosures or near foreclosures or bankruptcy with the counseling.

My concern is the mandatory counseling for FHA, and only because of something that has happened in Illinois, that happened in Chicago when this mandatory counseling was put in for FHA mortgages.

What happened was that the lenders withdrew from the area. It was put in first by a ZIP Code in the city of Chicago and then put in for all of Cook County. The lenders withdrew from the area so there were no mortgages or very few available for those in that area because they weren't able to get the counseling that was needed in time to get the mortgages.

It takes time for counseling, and I know that you put in, and I think this would help, is that people could get counseling on the Internet. I think it is a very important thing. I just worry about when it is mandatory that we are going to have less availability of FHA involvement than when it is discretionary as in the bill.

I think that it makes FHA less attractive. If you are a prospective home buyer and one lender, a non-FHA, offers to put you into a mortgage that day while the FHA loan requires you to go through a counseling course, which will you pick? People will leave FHA, and we don't want that to happen. I know it is important that we have counseling and get people into this type of loan. The whole thing is, FHA is much better than the more exotic subprime loans, and that is the whole focus of this bill. I would hope that we can promote FHA, and I hope as this amendment moves forward, we can take a look at.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would say to my friend from Ohio, and we have worked together on a lot of things, I understand his purpose is a good one, but I share some of the concerns of the gentlewoman from Illinois.

I hope the gentleman understands that if this becomes part of the bill, as I believe it will, we haven't had a chance to consult with the FHA. We would like their advice. We could wind up strengthening the urging but allow for some exceptions. I would hope as we went forward the gentleman could work with us on doing that.

Mr. TIBERI. Would the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. TIBERI. Yes, I think we can take a look at the best of what is happening in Ohio right now. We are doing some pretty innovative things. I am sure in Massachusetts and Illinois there is some innovation going on as well.

The intent at the end of the day is to help the borrower and level the playing field. And so yes, I would be happy to work with the committee.

Mr. FRANK of Massachusetts. If the gentlewoman would continue to yield, there are some differences that we have of an ideological sort. There are a lot of general areas of agreement. Mr. Montgomery, the head of the FHA, has been, I think, a responsible and thoughtful administrator of the program. We have a common interest in this, and I would look forward to having him in on this conversation with us, and I think we can move in that direction with some of the flexibility that the gentlewoman asked for.

Mrs. BIGGERT. Madam Chairman, with that, I withdraw my objection, and I yield back the balance of my time.

Mr. TIBERI. Madam Chairman, I yield myself the balance of my time.

I thank the chairman and the gentlewoman from Illinois. Just a point of clarification: Some of the things that are happening now in Ohio is you have online counseling that is taking place for people that don't have access maybe in person to a counselor. So there is room to grow here, Chairman FRANK and Mrs. BIGGERT.

I think we have an opportunity to empower consumers and look forward to working with both of you. I urge adoption of this amendment, and urge passage of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TIBERI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. BIGGERT

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–330.

Mrs. BIGGERT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. BIGGERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Expanding American Homeownership Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Maximum principal loan obligation.
Sec. 4. Extension of mortgage term.
Sec. 5. Cash investment requirement.
Sec. 6. Temporary reinstatement of downpayment requirement in event of increased defaults.
Sec. 7. Mortgage insurance premiums.
Sec. 8. Rehabilitation loans.
Sec. 9. Discretionary action.
Sec. 10. Insurance of condominiums.
Sec. 11. Mutual Mortgage Insurance Fund.
Sec. 12. Hawaiian home lands and Indian reservations.
Sec. 13. Conforming and technical amendments.
Sec. 14. Home equity conversion mortgages.
Sec. 15. Conforming loan limit in disaster areas.
Sec. 16. Participation of mortgage brokers and correspondent lenders.
Sec. 17. Sense of Congress regarding technology for financial systems.
Sec. 18. Savings provision.
Sec. 19. Implementation.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

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

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

''(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and

''(B) not to exceed the appraised value of the property, plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.'';

(2) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''title 38, United States Code''; and

(3) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership).

SEC. 4. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking ''thirty-five years'' and inserting ''forty years''; and

(2) by striking ''(or thirty years if such mortgage is not approved for insurance prior to construction)''.

SEC. 5. CASH INVESTMENT REQUIREMENT.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by striking the paragraph designation and all that follows through ''*Provided further*, That for'' and inserting the following:

''(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, an amount, if any, as the Secretary may determine based on factors determined by the Secretary and commensurate with the likelihood of default. For''.

SEC. 6. TEMPORARY REINSTATEMENT OF DOWNPAYMENT REQUIREMENT IN EVENT OF INCREASED DEFAULTS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(10) EFFECT OF INCREASED DEFAULTS.—

''(A) ANNUAL DETERMINATION.—If, for any calendar year described in subparagraph (B)(i), the Secretary determines, pursuant such subparagraph, that—

''(i) the ratio of the number of mortgage insurance claims made during such calendar year on mortgages insured under this section to the total number of mortgages having such insurance in force during such calendar year exceeds, by 25 percent or more, such ratio for the 12-month period ending on the effective date of this Act, or

''(ii) the ratio of the aggregate remaining principal obligation under mortgages insured under this section for which an insurance claim is made during such calendar year to the average, for such calendar year, of the aggregate outstanding principal obligation under mortgages so insured exceeds, by 25 percent or more, such ratio for the 12-month period ending on such effective date,

during the 90-day period beginning upon the submission of the report for such calendar year under subparagraph (B)(ii) containing such determination, the Secretary may insure a mortgage under this section only pursuant to the requirement under subparagraph (C), and the Secretary shall, not later than 60 days after submission of the report containing such determination, submit a report to the Congress under subparagraph (D) regarding mortgage insurance claims during such calendar year.

''(B) 5 YEARS OF ANNUAL DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall, for each of the 5 calendar years commencing after the date of the enactment of this Act, compare the ratios referred to in subparagraph (A) and make a determination under such subparagraph.

''(ii) ANNUAL REPORT ON DEFAULTS.—Not later than 90 days after the conclusion of each of the calendar years described in clause (i), the Secretary shall submit a report to the Congress containing the determination of the Secretary under such clause with respect to such calendar year and setting forth the ratios referred to in such clause for such calendar year.

''(C) REINSTATEMENT OF DOWNPAYMENT REQUIREMENT.—The requirement under this subparagraph is that paragraph (9) of this subsection shall apply as such paragraph was in effect on the day before the effective date of the Expanding American Homeownership Act of 2007.

''(D) REPORTS REGARDING INCREASED DEFAULT RATE.—A report under this subparagraph, as required under subparagraph (A), shall contain—

''(i) an analysis of mortgage insurance claims, made during the calendar year for which the report is submitted, on mortgages insured under this section;

''(ii) an analysis of the reasons for the increase during such calendar year in the applicable ratio or ratios under subparagraph (A), including an analysis of the extent to which such increase is attributable to the amendments made by the Expanding American Homeownership Act of 2007;

''(iii) the effect of such increase on the Mutual Mortgage Insurance Fund;

''(iv) recommendations regarding—

''(I) whether the Congress should, to respond to such increase, take legislative action (aa) to apply paragraph (9) of this subsection as such paragraph was in effect on the day before the effective date of Expanding American Homeownership Act of 2007, (bb) to apply paragraph (2)(A)(ii) by substituting '87 percent of the dollar amount limitation' for 'the dollar amount limitation', or (cc) both; and

''(II) whether such provisions should be temporary or permanent, and, if temporary, the period during which such provisions should apply; and

''(v) recommendations regarding any other administrative, regulatory, legislative, or other actions that should be taken to respond to such increase.

''(E) DEFAULTS IN DISASTER AREAS NOT COUNTED FOR 24 MONTHS.—In determining the number of mortgage insurance claims made and the aggregate remaining principal obligation under mortgages for which an insurance claim is made for purposes of subparagraph (A) for any calendar year, the Secretary shall not take into consideration any claim made during such period on a mortgage on any property that is located in an area for which a major disaster was declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act if such claim was made during the 24-month period beginning upon such declaration.''.

SEC. 7. MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) FLEXIBLE RISK-BASED PREMIUMS.—

''(A) IN GENERAL.—For any mortgage insured by the Secretary under this title that is secured by a 1- to 4-family dwelling and for which the loan application is received by the mortgagee on or after October 1, 2007, the Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the limitations in subparagraphs (B) and (C). The rate of premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subparagraph but only to the extent that such change is not applied to any mortgage already executed.

''(B) MAXIMUM UP-FRONT PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any single premium payment authorized by subparagraph (A), if established and collected prior to the insurance of the mortgage, may not exceed the following amount:

''(i) Except as provided in clauses (ii) and (iii), 3.0 percent of the amount of the original insured principal obligation of the mortgage.

''(ii) If the mortgagor has a credit score equivalent to a FICO score of 560 or more and has paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured), 2.25 percent of the original insured principal obligation of the mortgage.

''(iii) If the annual premium payment is equal to the maximum amount allowable under clause (i) of subparagraph (C), 1.5 percent of the amount of the original insured principal obligation of the mortgage.

''(C) MAXIMUM ANNUAL PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any annual premium payment collected may not exceed the following amount:

''(i) Except as provided in clauses (ii) and (iii), 2.0 percent of the remaining insured principal obligation of the mortgage.

''(ii) If the mortgagor is a mortgagor described in clause (ii) of subparagraph (B), 0.55 percent of the remaining insured principal obligation of the mortgage.

''(iii) If the single premium payment collected at the time of insurance is equal to maximum amount allowable under clause (i) of subparagraph (B), 1.0 percent of the remaining insured principal obligation of the mortgage.

''(D) PAYMENT INCENTIVE.—Notwithstanding subparagraph (C), for any mortgage insured under a premium structure established pursuant to this paragraph and for which the annual premium payment exceeds the amount set forth in subparagraph (C)(ii), if during the 5-year period beginning upon the time of insurance all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall reduce the amount of the annual premium payments due thereafter under such mortgage to an amount equal to the amount set forth in subparagraph (C)(ii).

''(E) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

''(F) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing a premium structure under subparagraph (A) or when changing such a premium structure, the Secretary shall consider the following:

''(i) The effect of the proposed premium structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

''(ii) Underwriting variables.

''(iii) The extent to which new pricing under the proposed premium structure has potential for acceptance in the private market.

''(iv) The administrative capability of the Secretary to administer the proposed premium structure.

''(v) The effect of the proposed premium structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.''.

SEC. 8. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 9. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 10. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''and'' before ''(2)''; and

(ii) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(B) in clause (B) of the third sentence, by striking ''thirty-five years'' and inserting ''forty years''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) in clause (1), by striking ''or'' and inserting a comma; and

(2) by inserting before the semicolon the following: '', or (c) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, a one-family unit in a multifamily project, including a project in which the dwelling units are attached, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

SEC. 11. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained. The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

''(B) to minimize the default risk to the Fund and to homeowners;

''(C) to curtail the impact of adverse selection on the Fund; and

''(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 12. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 13. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 14. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(2) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''; and

(3) by adding at the end the following new subsection:

''(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine—

(1) the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on—

(A) costs to mortgagors; and

(B) the financial soundness of the program; and

(2) the feasibility and effectiveness of exempting, from all the requirements under the program regarding payment of mortgage insurance premiums (including both up-front or annual mortgage insurance premiums under section 203(c)(2) of such Act), any mortgage insured under the program under which part or all of the amount of future payments made to the homeowner are used for costs of a long-term care insurance contract covering the mortgagor or members of the household residing in the mortgaged property.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

SEC. 15. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after ''property'' the following: ''plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,'';

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: ''In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.''.

SEC. 16. PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended—

(A) by striking ''As used in section 203 of this title—'' and inserting ''As used in this title and for purposes of participation in insurance programs under this title, except as specifically provided otherwise, the following definitions shall apply:'';

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

''(2) The term 'mortgagee' means any of the following entities, and its successors and assigns, to the extent such entity is approved by the Secretary:

''(A) A lender or correspondent lender, who—

''(i) makes, underwrites, and services mortgages;

''(ii) submits to the Secretary such financial audits performed in accordance with the standards for financial audits of the Government Auditing Standards issued by the Comptroller of the United States;

''(iii) meet the minimum net worth requirement that the Secretary shall establish; and

''(iv) complies with such other requirements as the Secretary may establish.

''(B) A correspondent lender who—

''(i) closes a mortgage in its name but does not underwrite or service the mortgage;

''(ii) posts a surety bond, in lieu of any requirement to provide audited financial statements or meet a minimum net worth requirement, in—

''(I) a form satisfactory to the Secretary; and

''(II) an amount of $75,000, as such amount is adjusted annually by the Secretary (as determined under regulations of the Secretary) by the change for such year in the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor; and

''(iii) complies with such other requirements as the Secretary may establish.

''(C) A mortgage broker who—

''(i) closes the mortgage in the name of the lender and does not make, underwrite, or service the mortgage;

''(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a mortgage broker in such State;

''(iii) posts a surety bond in accordance with the requirements of subparagraph (B)(ii); and

''(iv) complies with such other requirements as the Secretary may establish.

''(3) The term 'mortgagor' includes the original borrower under a mortgage and the successors and assigns of the original borrower.'';

(C) in subsection (a), by redesignating clauses (1) and (2) as clauses (A) and (B) respectively; and

(D) by redesignating subsections (a), (c), (d), (e), and (f) as paragraphs (1), (4), (5), (6), and (7), respectively, and realigning such paragraphs two ems from the left margin.

(2) MORTGAGEE REVIEW.—Section 202(c)(7) of the National Housing Act (12 U.S.C. 1708(c)(7)) is amended—

(A) in subparagraph (A), by inserting '', as defined in section 201,'' after ''mortgagee'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(3) MULTIFAMILY RENTAL HOUSING INSURANCE.—Section 207(a)(2) of the National Housing Act (12 U.S.C. 1713(a)(2)) is amended by striking ''means the original lender under a mortgage, and its successors and assigns, and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(4) WAR HOUSING INSURANCE.—Section 601(b) of the National Housing Act (12 U.S.C. 1736(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(5) ARMED SERVICES HOUSING MORTGAGE INSURANCE.—Section 801(b) of the National Housing Act (12 U.S.C. 1748(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(6) GROUP PRACTICE FACILITIES MORTGAGE INSURANCE.—Section 1106(8) of the National Housing Act (12 U.S.C. 1749aaa–5(8)) is amended by striking ''means the original lender under a mortgage, and his or its successors and assigns, and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(b) ELIGIBILITY FOR INSURANCE.—

(1) TITLE I.—Paragraph (1) of section 8(b) of the National Housing Act (12 U.S.C. 1706c(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(2) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(3) SECTION 221 MORTGAGE INSURANCE.—Paragraph (1) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

(A) by striking '' and be held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(4) HOME EQUITY CONVERSION MORTGAGE INSURANCE.—Paragraph (1) of section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)(1)) is amended by striking ''as responsible and able to service the mortgage properly''.

(5) WAR HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 603(b) of the National Housing Act (12 U.S.C. 1738(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(6) WAR HOUSING MORTGAGE INSURANCE FOR LARGE-SCALE HOUSING PROJECTS.—Paragraph (1) of section 611(b) of the National Housing Act (12 U.S.C. 1746(b)(1)) is amended—

(A) by striking '' and be held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(7) GROUP PRACTICE FACILITY MORTGAGE INSURANCE.—Section 1101(b)(2) of the National Housing Act (12 U.S.C. 1749aaa(b)(2)) is amended—

(A) by striking '' and held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(8) NATIONAL DEFENSE HOUSING INSURANCE.—Paragraph (1) of section 903(b) of the National Housing Act (12 U.S.C. 1750b(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

SEC. 17. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a ''high-risk'' program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The ''Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003'', conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that ''HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes''.

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 18. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this Act shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 19. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this Act. The notice shall take effect upon issuance.

The CHAIRMAN. Pursuant to House Resolution 650, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentlewoman from Illinois.

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Mrs. BIGGERT. Madam Chairman, I yield myself such time as I may consume.

My amendment strikes the bill in its entirety and inserts language that is identical to last year's bipartisan FHA modernization bill, H.R. 5121. Last year the bill had 54 Republicans, 51 Democrats, and one1 Independent cosponsor. Last year the bill was the bipartisan compromise that was agreed to by Chairman WATERS and Chairman FRANK and then chairman Mike Oxley. Last year's bill passed the House by a vote of 415–7 on July 25, 2006.

There are differences in the bills. This amendment, last year's bipartisan bill, I would like to highlight a couple of important differences. The Frank-Waters bill authorizes the FHA to implement risk-based pricing, but leaves in place the current, I think, outdated premium caps. My concern is that these limits on the premium caps will prevent FHA from serving riskier borrowers who could be prudently served by charging a slightly higher premium.

With the flexibility to charge slightly higher premiums, FHA would be able to serve borrowers with lower FICO scores who are currently being served only by the subprime market at very high interest rates. Just like last year's bipartisan House-passed bill, my amendment modernizes and updates premium caps, enabling FHA to reach down and serve riskier borrowers, but in a prudent manner. I think this is where growth comes in, because there will be more loans that FHA will be able to make.

Second, the Frank-Waters bill requires the refund of excess upfront premiums charged to higher-risk borrowers, those with FICO scores below 560. I am concerned that this new provision may treat your higher initial premiums and unintentionally limit the number of borrowers that could be served by FHA.

A refund provision also would be difficult to implement. Perhaps most importantly, refunds like this undercut the very concept of insurance. It is the logical equivalent of a healthy person requesting a 100 percent refund of his or her health insurance premium, or a driver who doesn't get into an accident demanding all of his car insurance back.

Just like last year's House-passed bill, my amendment includes another bipartisan agreement, the automatic reduction of annual premiums to no more than 55 base points for loans, and remains active after 5 years. Automatic premium reductions can be a good thing. They can reduce refinancing and perhaps some defaults and foreclosures as well.

Finally, the most significant difference between the bill I have introduced and the Frank-Waters FHA reform proposal, which has been of great concern to me and many of my colleagues, is the inclusion of a provision that creates a funding placeholder that you have heard talked about so much today that siphons off the FHA funds to create a brand-new government trust fund.

The other provisions that I mentioned are ones that represent significant differences between our introduced bills. Using FHA program funds to create a housing trust fund, to me, is where we have the most difference, and I believe it is not an appropriate use of FHA funds. Taking funds out of FHA and using them for a purpose unrelated to its core mission would threaten the solvency of the FHA fund and its ability to pay out the insurance claims. We don't want to have to come back here and do a bailout because FHA funds were diverted for other projects.

There is general agreement on the need for FHA modernization legislation. By modernizing FHA with my amendment, we can expand FHA and give a viable alternative to more low-income borrowers who may otherwise lose their home or be forced into the higher-cost subprime loans, or even predatory products. It is true that FHA cannot help all homeowners that are in the red, but it may help a good portion of them.

I would urge my colleagues to support my amendment, last year's bipartisan bill, the House-passed bill that many of my colleagues supported last year.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 3 minutes.

The gentlewoman, incredibly, says this will jeopardize the solvency of the fund if we put money into affordable housing. I thought reading was one of the basic things we did around here. In the bill it says nothing can go to the Affordable Housing Fund if it would jeopardize solvency. Simply denying plain facts is not an appropriate way to debate.

In much of her argument she talks about another piece that represents the difference between us. We say that if you are someone with a weaker credible, a lower FICO score, the great god, FICO, that governs the lives of lower-income people, if you get your mortgage insured and you work hard and make all your payments, you should still be charged more than the gentlewoman from Illinois or I would be charged for a mortgage, because that is the insurance principle.

It is an appropriate principle for a private insurance company. For the Federal Government to say to hard-working people who are making their payments that they will be held accountable for the fact that other people didn't make their payments, and I won't be and the gentlewoman from Illinois wouldn't be, that is not appropriate.

So this principle of, yes, they say if you are healthy, you shouldn't get your money back, if you work hard and make your mortgage payments, why should you be charged more because somebody else like you defaulted? Let's all share that burden.

The gentlewoman said, well, it will be hard to give lower-income people loans. Those are crocodile tears. You are going to help these lower-income people by making them pay more for their mortgage than we would pay.

I would also note, and I wasn't in charge of the drafting, but we did adopt several amendments today. The gentlewoman's amendment would, of course, wipe all of them out because it would go back to last year's bill.

I understand there is regret on the part of many of my colleagues at the results of last November's election, and it is appropriate to try to undue last year's election. The appropriate time to do that is in next November's election, not by bills that passed a year ago with a differently constructed House and say let's not make any changes.

We made changes to accommodate refinancing for people caught in the subprime crisis. That is in this bill. It is not in the gentlewoman's substitute. Taking a year-old bill, with none of the improvements we have made, it goes beyond the philosophy.

Now, I understand Members don't want to do an affordable housing fund. That was the gentleman from Texas's amendment. I oppose it. That one makes some sense in terms of ideological division. But to say let's ignore everything that has happened in the last year, amendments adopted here today, several amendments by Members of both parties, the gentleman from California (Mr. GARY G. MILLER); the gentleman from Ohio (Mr. TIBERI); the gentleman from Massachusetts (Mr. TIERNEY); the gentleman from New York (Mr. BISHOP). We adopted their amendments. The gentlewoman wants to wipe them out. That is not an appropriate way to legislate.

I hope that the amendment is defeated, that we do not say in particular

that if you are someone in a lower-income category and you make your mortgage payments, the Federal Government will charge you more.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, we could have passed this bill 9 months ago, and then we would have added on to it. Unfortunately, this is my opportunity to do it, and this is the bill that I have had. I bring it up now.

As I said before, there are good things that have come out in the discussion today; there are some good things that have been added onto the bill that you have brought forward. The reason for bringing this up is I have some real concerns about some of the things that are in there, and this is my opportunity.

I don't think that we are penalizing low-income people that much. I know that in the discussion that we had in committee when this came up about no down payment, there are people that can't afford a mortgage with no down payment and can meet the monthly payments, but there was no risk with those people, no premium for FHA to ensure that kind of mortgage.

That isn't fair for other people that based on their credit scores are having to pay a premium. I would just disagree. If you are able to always meet those, then the risk should be dependent on what you do, not what somebody else does either. I would agree with that.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I think the gentlewoman confused a couple of issues. When I talk about not charging someone more because she has a lower credit score, and it is often a ''she'' that is in that category, it is not the no-down-payment category. What the bill does that the gentlewoman has is to say if you are someone with a lower credit score and get a loan with a down payment, you get charged more even if you make your payments.

By the way, the bill that she would replace with last year's bill would also knock out several protections we have in this bill against FHA fees being raised. The FHA doesn't want to raise fees. OMB has ordered FHA to try to raise fees. Congress has had to intervene.

There are in our version, unlike the version the gentlewoman is offering, protections against fee increases. We have an amendment that was advocated by the gentlewoman from Florida, Ms. GINNY BROWN-WAITE, and the gentleman from Georgia, Mr. MARSHALL, to limit the amount that can be charged to older people taking out reverse equity mortgages. That is in the bill that the gentlewoman wants to displace, and she would displace it with a bill that has no such protection for older people.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, just because someone is low income does not mean that they have poor credit. I think that is not where they are going to have to pay higher premiums, necessarily. It is inevitable in an insurance fund that lower-risk borrowers will subsidize higher-risk borrowers. Refunds of the nature that is in your bill would undercut the concept of insurance, as I said before, being the equivalent of a healthy person requiring a percent refund of his or her insurance premium, or a driver that does not get into an accident requiring their insurance back.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts has 6 minutes remaining. The gentlewoman from Illinois has 3 minutes remaining.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 3 minutes.

The gentlewoman has quite honestly joined this one issue. She says it is the principle of insurance. If you are healthy, you should pay less for insurance than if you are sick. That is not the principle we follow in the Federal Government. That is the point the gentlewoman misses.

Yes, if you go to a private company, they will do that. You don't pay more in a Medicare premium if you are sick than if you are healthy. That is apparently what the gentlewoman is advocating, that senior citizens who are sick should pay more premiums than senior citizens who are healthy.

The question is whether a principle that is necessary in a private insurance scheme is appropriate for the Federal Government. She says just because you are low income doesn't mean you have poor credit. True. Not in every case. She knows there is a correlation; that the weaker the credit, the likely the people are to have low income. She, again, is saying explicitly that she believes, and she doesn't deny it, that it is the principle of insurance.

You are a working woman making in the forties, you get FHA insurance, you make all your payments, and you have got weaker credit than somebody who serves in Congress and makes $180,000 a year. You have to pay more, according to the gentlewoman, than I would pay, even if you made all your payments.

What we are saying is at the outset it may be that you want to charge more. Yes, we will give FHA the ability to do that upfront. But you can earn your way out of that. If you have weaker credit, but you work hard, you are diligent and you make your payments, why should the Federal Government charge you more than someone far wealthier than you?

The gentlewoman is wrong to think that is the precedent. In the health insurance field and the Federal Government field, if you are under Medicare, you don't pay more in Medicare premiums if you were sick than if you were healthy. This is what we are saying, that you should not charge people more.

I would also point out, again, that she said we don't want to raise fees to people. Our bill limits what the FHA can be forced to charge by OMB. We have three separate provisions. I will point out again to the gentlewoman, we adopted a provision, there were negotiations between AARP and the originators of the home equity mortgages, the services, and we have in there a reduction, we put a cap on. We cut by one-third the maximum fee elderly people can be charged for an FHA-insured home mortgage.

□ 1400

We reduced the fee that elderly people can be charged by one-third. The gentlewoman's amendment, it is not her fault, she is not gratuitously trying to hurt older people; she just picked up this old amendment from a year ago, this old bill, and offered it without taking into account the progress we have made. That is not a good way to legislate.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, looking at the two bills, let's look at flexibility risk-based premiums. H.R. 1752 permits upfront or annual premiums or both. Premium rates may vary over loan term if basis for change is determined at origination.

Under your bill, the same: requires annual report on risk-based premiums and how they were determined, authorizes premiums based on product risk.

The maximum upfront premium amounts, H.R. 1752: 3 percent, or 1.5 percent if annual premium is at its maximum. Under your bill, 2.25 percent for standard-risk and higher-risk mortgages, 3.0 for zero and lower down mortgages for first-time buyers. And then the maximum annual premium amounts in H.R. 1752, 2.0, or 1.0 if upfront premium is at its maximum. Under yours, 0.55 percent for standard and high-risk mortgages, 0.75 for zero down mortgages. And then the limit on premium charged for certain mortgages. If a borrower has 3 percent cash contribution and a score of 560 or more, the upfront premium is limited to 2.25 percent and the annual 0.55 percent. And then, under your bill it is included by creation of the standard-risk and higher-risk mortgage categories.

I guess we disagree on this, but I think I want the same thing. I want FHA to be used. I want it to be used for low-income, first-time home buyers and those that are trying to refinance. This is critical right now, and I just think there is some differences in what we have.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, let me ask the gentlewoman from Illinois: If someone has weaker credit and gets mortgage insurance but makes all the payments for 5 years, why does the gentlewoman think that she should be charged more? And how does it hurt the FHA's ability to go forward if, after someone has

made the payments for 5 years, she gets refunded the extra? I would yield to the gentlewoman to answer that question, a fundamental difference on the bill.

Mrs. BIGGERT. I think under the bill, H.R. 1752, their premiums are reduced; they are not refunded.

Mr. FRANK of Massachusetts. No. Answer the question. They are not refunded under your bill. They are under, the gentlewoman would not refund them. How does it hurt the FHA in their ability to lend to people with weaker credit if they say to people with weaker credit, if you make your payments for 5 years, we will refund the extra we charged you?

Mrs. BIGGERT. If the gentleman will yield.

Mr. FRANK of Massachusetts. I yield.

Mrs. BIGGERT. Because the FHA is self-funded. It is not funded by the government just putting money into it just so that they can do other mortgages. It is self-funded and it is an insurance program. Now, we haven't been able to use it because it has been so capped in the amount of what they can do.

Mr. FRANK of Massachusetts. I take back my time because the gentlewoman is simply, I understand her answer. It is, if there is a higher loan loss rate from lending to lower-income people, people with weaker credit, they have to subsidize each other.

We say, no; raise the jumbo limit, and let those people in California and Massachusetts and New York who are getting mortgages at $600,000 and $500,000, let them subsidize it. Nobody is subsidizing. You shouldn't have to subsidize if you are making your own payments.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, September 14, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the National Association of REALTORS, I urge you to support H.R. 1852, the ''Expanding American Homeownership Act of 2007'', when the bill is considered by the full House. This is an important measure that will allow FHA to function in the 21st century. Equally important and worthy of your strongest support is an amendment to be offered by Representatives Barney Frank (D–MA), Gary Miller (R–CA) and Dennis Cardoza (D–CA) that is vital to improving the stability of mortgage markets, a critical component of our national economy.

The Frank/Miller/Cardoza amendment would increase the Federal Housing Administration (FHA) loan limits beyond the language originally included in H.R. 1852. Such an increase is now needed in light of the significant housing and mortgage market turmoil that has severely limited the ability of families to refinance a problematic existing loan or, alternatively, purchase a home in a high cost market with a safe and affordable mortgage.

As you well know, many American homeowners now have mortgages with payments that will soon increase dramatically, putting them at risk of foreclosure. Raising the FHA loan limits will provide many of these homeowners living in the nation's high housing cost markets with a safe FHA loan alternative. In addition, with the even more recent tightening of the jumbo market, many homebuyers may not be able to find a safe, affordable financing option without an increase in the FHA loan limits.

Although the underlying bill would increase the loan limits, we strongly believe that the Frank/Miller/Cardoza amendment is needed to affect real change. H.R. 1852 creates a new loan ceiling of $417,000. Many markets are significantly higher than this limit. Median home prices of communities in New York, New Jersey, Connecticut, California, Massachusetts, and Pennsylvania are already far above this limit. The Frank/Miller/Cardoza amendment creates geographic fairness by raising the loan limit to 125% of the area median home price. Under the amendment working families in Newark, NJ can buy a home for $512,000, and families in Los Angeles, CA can buy homes for $650,000—both median price homes for their area.

FHA reform is needed now, more than ever. Please vote for H.R. 1852 and the Frank/Miller/Cardoza amendment when these measures come to the Floor.

Thank you,

PAT V. COMBS,
President.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 17, 2007.

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

DEAR LEADER BOEHNER: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express the building industry's support for H.R. 1852, the Expanding American Homeownership Act of 2007. NAHB urges you to support this bill, which modernizes the Federal Housing Administration (FHA), when it comes to the House floor next week. Because of the importance of this issue to our industry, we are designating the vote on passage of H.R. 1852 as a KEY VOTE.

NAHB also supports the Frank/Miller/Cardoza amendment that will further enable home buyers the ability to purchase an FHA-insured home in many high-cost areas. Currently, the FHA loan limit is too low to enable many deserving home buyer to purchase a home in high-cost areas.

Since its creation in 1934, and for much of its existence, the FHA has been viewed as a housing finance innovator by insuring millions of mortgage loans, which have made it possible for America's families to achieve homeownership. FHA's single family mortgage insurance programs have served home buyers in all parts of the country during all types of economic conditions. Moreover, FHA has done this without any cost to America's taxpayers.

Unfortunately, over the past two decades, the popularity and relevance of FHA's single family mortgage insurance programs have waned as FHA's programs have failed to keep pace with competing conventional mortgage loan programs. Faced with a deepening constriction in the availability and affordability of housing credit, Congress now has the opportunity to modernize the FHA and enable it to play a key role in stabilizing the mortgage markets, while offering borrowers a safe and fair mortgage alternative. Recently, President Bush outlined a plan to help American homeowners weather the current difficulties in mortgage markets, which included asking Congress to send him an FHA reform bill as soon as possible.

To address the problems in today's housing finance market, I urge your support for H.R. 1852 on the House floor this week. Again, NAHB will KEY VOTE the vote on passage of H.R. 1852. Thank you for considering the views of the home building industry.

Sincerely,

JOSEPH M. STANTON,
Chief Lobbyist.

I yield my remaining time to the gentlewoman from California, the chairman of the subcommittee.

Ms. WATERS. Madam Chairman and Members, earlier today we talked about how we worked together so well in order to get the best possible legislation. And I am just a little bit sad that this substitute amendment would reform for the Federal Housing Administration's FHA single-family mortgage insurance activities and would allow FHA to base each borrower's mortgage insurance premiums on the risk that the borrower poses to the FHA mortgage insurance fund with slight variations.

Under this proposal, mortgage insurance premiums will be based on the borrower's credit history, loan-to-value ratio, debt-to-income ratio, and on FHA's historical experience with similar borrowers.

This amendment maintains FHA reserves within the insurance fund to preserve the future solvency of the FHA program. I just rise in strong opposition to this amendment for the simple reason that H.R. 1852 is a better bill than the FHA reform bill that passed the House last year. And I could go on and on and on talking about why this is a much better bill, but I think this would be a step backwards, and I would ask my colleagues not to support this amendment. It is not a good amendment.

The CHAIRMAN. The gentleman's time has expired.

The gentlewoman from Illinois has 1 minute remaining.

Mrs. BIGGERT. I guess we will have to agree to disagree that last year's bill would have served more borrowers. And we are moving forward here, so I would urge Members to support my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mrs. BIGGERT. Madam Chairman, I demand a recorded vote.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. HENSARLING of Texas.

Amendment No. 7 by Mrs. BIGGERT of Illinois.

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

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 280, not voting 9, as follows:

[Roll No. 873]

AYES—148

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—280

Abercrombie
Ackerman
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—9

Allen
Becerra
Carney
Cole (OK)
Cubin
Davis, Jo Ann
Jindal
Knollenberg
Tancredo

□ 1432

Messrs. HODES, ORTIZ, OBEY, RICHARDSON, PASTOR, ALEXANDER, REHBERG, TERRY, BISHOP of Georgia, BARTLETT of Maryland, McKEON, LEWIS of California, Ms. GINNY BROWN-WAITE of Florida and Ms. JACKSON-LEE of Texas changed their vote from ''aye'' to ''no.''

Mr. LUCAS, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. BOOZMAN, Mrs. MUSGRAVE and Mr. KING of Iowa changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Madam Chairman, on rollcall No. 873, I inadvertently voted "nay." I meant to vote "aye."

AMENDMENT NO. 7 OFFERED BY MRS. BIGGERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 252, not voting 10, as follows:

[Roll No. 874]

AYES—175

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
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—252

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Abercrombie
Allen
Carney
Cubin
Davis, Jo Ann
Jindal
Knollenberg
Norton
Sutton
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1440

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mrs. JONES of Ohio, 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. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes, pursuant to House Resolution 650, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill H.R. 1852 to the Committee on Financial Services with instructions that the Committee report the same back promptly with the following amendment:

Page 64, strike line 6, and insert the following:

(4) AFFORDABLE HOUSING FUND.—

(A) IN GENERAL.—For each fis-

Page 64, after line 13, insert the following:

''(B) LIMITATION ON USE OF FUNDS.—

''(i) IN GENERAL.—Amounts made available pursuant to subparagraph (A) for affordable housing fund referred to in such subparagraph may not be used for, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

''(I) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

''(aa) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

''(bb) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

''(II) PASSPORT.—A passport issued by the United States or a foreign government.

''(III) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

''(ii) REGULATIONS.—The Federal official responsible for administering the affordable housing fund referred to in subparagraph (A) shall, by regulation, require that each grantee and recipient of assistance from such fund take such actions as such official considers necessary to ensure compliance with the requirements of clause (i).''.

□ 1445

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, this is a commonsense motion to recommit that would require that any individual or household receiving money from the Affordable Housing Fund must present verification of legal residency by a secure identification document.

Americans believe that it's appropriate to ask those receiving hard-earned taxpayer dollars, taxpayer assistance, that it's right to establish that they are legal residents of the United States. It's common sense.

Across the country, whether it's Denver, where in 2006 there were an estimated 20,000 illegal immigrants holding FHA insured loans, or L.A. or Atlanta, where similar activity occurs, illegal immigrants are being given unprecedented access to taxpayer benefits and taxpayer money. In many of these cases of FHA loans, the documents submitted with their applications later proved to be false, resident alien numbers that were never issued, or Social Security numbers belonging to other people, or W–2 forms that were fabricated. In the case of financial institutions, minimal documents are required by their regulators to establish a new customer's identity to open accounts.

The current loopholes in Federal law are an invitation, they're an attraction, they're a magnet to illegal immigration. We must not reward those coming here illegally by allowing them the services that ought to be only afforded to American citizens and they're here legally. If we do so, this results in back-door amnesty.

This motion to recommit would require that the Federal official responsible for administering the Housing Trust Fund ensure that any assistance provided from the Affordable Housing Fund must require that all adults are legal residents of the United States. Simple common sense.

Recipients may use one of three different forms of identification. These forms are considered the most secure types of identification because they're harder to forge or to duplicate. They're all issued by a government agency

which has more checks and balances, more checks and balances preventing illegal immigrants or criminals or terrorists from obtaining these documents.

Everyone who is in the United States legally can easily obtain one of the three identification forms, but illegal immigrants, criminals, and terrorists would have to go to significant lengths to receive one.

Now, we have offered this type of amendment to bills in the past on this floor, and it's needed on this bill as well, as there appears to be no end in sight to the appetite of our friends in the majority to provide taxpayer benefits to illegals against the will and against the desire of the American people.

Now, you will hear that this MTR, this motion to recommit, provides for the committee to report back promptly and that that would ''kill the bill.'' But we all know that's not true. In fact, the Speaker has previously ruled that any bill adopted with this language could readily be returned to the House floor with the new language.

You will hear that those already here illegally cannot get federally subsidized benefits. Then because it's clear that there are currently some loopholes in our current system, we ought not have any problem adopting more enforceable criteria for legal documentation.

You will hear that if you don't drive or you don't travel to foreign countries, that this is an undue burden. But the American people don't believe that it is inappropriate to ask those citizens receiving Federal taxpayer assistance to first establish that they are legal residents of the United States.

You will hear that this might lead us down the path to using Social Security as a universal identifier. But if you read this motion, what it does is simply provide for an array of options for secure IDs that all Americans and legal immigrants have ready access to. Simple common sense.

You may hear that it's already in the bill. Well, in fact it is, Mr. Speaker; but it doesn't cover the Affordable Housing Fund. The current regulations to establish a customer's identity do a disservice to the American people. Greater clarification in this area will help stem the tide of illegal immigrants.

The Federal Government should not be operating under obscure parameters that do not serve our Nation. We can and should strengthen these regulations to protect the American people.

This is a much more appropriate solution to the problem of back-door amnesty than simply saying that we're not going to let illegal immigrants live in government-subsidized housing. To the best of our ability, we must eliminate using hard-earned American taxpayer money to subsidize illegal activity. This motion to recommit does just that, and I urge my colleagues to support the motion.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask the Members to follow closely because there are some unusual twists and turns even to this.

In the first place, the gentleman talked about people getting FHA loans who weren't here legally, and he made a big point of that. As he later acknowledged, the bill, as reported, already deals with that.

The gentleman from Georgia is so enamored of this amendment that he's offering it twice to this bill. Now, he's making up for the fact that last week he wanted to offer it and couldn't. The gentleman from Georgia had filed in the CONGRESSIONAL RECORD a version of this amendment to offer to the Native American housing bill to prevent illegal immigrant Native Americans from sneaking in. And when we pointed that out, the gentleman from Georgia for once thought better of it and didn't offer the amendment. I think he was afraid that the Indians would have said, you know, sir, that's a good idea, why didn't we think of it?

But now, in the amendment, the gentleman offered this amendment in committee, so the illustration he gave of how they are getting FHA loans when they shouldn't, that's already in the bill. What he has done now is to say that this should apply to the Affordable Housing Trust Fund, which is not created by this bill. The bill does say that if we later, on the floor of this House, created an affordable housing trust fund, funds from the FHA excess, if there are any, will go into it. So there is plenty of time when we deal with the Affordable Housing Trust Fund.

So last week he couldn't offer the amendment to keep the illegal immigrants out of the Navajo housing. This week, he's already got it in the bill that covers the bill before us, but he has now got amendment envy in the worst way, so he's going to offer it to a program that doesn't exist yet, preempting our chance to do it. Even that wouldn't be a problem except that he could have said ''forthwith.'' He said ''promptly.'' It doesn't kill the bill; it significantly delays it.

If this comes back to the Committee on Financial Services, it is now wide open. The committee then has a markup, and any amendment can be offered. And I will tell my colleagues that there are Members, yes, there is your indication of what will happen, this will be filibustered again. Thank you for your honesty. I appreciate it. If this bill comes back to committee, it will be wide open.

We are in the midst of a crisis. The President said last month, please pass the FHA bill promptly. Even the United States Senate is now acting on this bill. If it comes back to committee, I have 3 days to notice a markup. How quickly could we do it? Well, I don't think I can have this markup on Yom Kippur. There may be a lot to atone for in this amendment, but I can't have it on Friday.

So we go over to next week. We have markups scheduled next week on HOPE VI and on flood insurance and other important issues, so we couldn't get to this for a couple of weeks. And then when we do get to it, the clappers over there are going to offer a whole bunch of amendments.

Now, if the gentleman just wanted to put this into the program that doesn't yet exist, and that he will have a chance to do it later, he could have said ''forthwith.'' Members are asked, when they rise on a recommit, are you opposed to the bill? The gentleman from Georgia honestly answered that he is. And he used the choice he had to substantially delay this bill. No, not kill it, but this will delay this bill by several weeks in the midst of this subprime crisis.

I would say to Members, preventing the FHA loans from going there, that's already in the bill. Read pages 54 and following. The Affordable Housing Trust Fund, it will be created later. I'm sure the gentleman will offer that amendment again and you will have a chance to vote on it.

So the sole effect of voting for this recommit is substantially to delay the bill on the FHA because the program that the bill covers, this amendment applies already from the committee. And the program that he would apply it to is not yet in existence and won't be in existence until we vote.

And for Members who worry about some cheap shot ad that says, oh, well, ''promptly,'' ''forthwith,'' too complicated, I hope people don't vote for this amendment. Many of them will. You will have a chance to vote for it. Long before the next election, the gentleman from Georgia will have offered this amendment four more times, at least. We've got more bills in our committee, and so you will have the chance to vote for it.

Please, if you support the low-income Housing Trust Fund as a concept and want the funding available when we set it up, if you support, in particular, the President's request that we move promptly to let the FHA be available for the subprime crisis, do not vote for a recommit whose sole effect will be to delay for several weeks passage of this bill. It won't kill it, but a several-week delay. I've got to hold off and call the hearing, we have to then have a long markup, they will be offering more amendments. It will substantially delay a very important bill, and I hope Members will defeat it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1852, if ordered, and suspending the rules and passing H.R. 3096.

The vote was taken by electronic device, and there were—yeas 209, nays 216, not voting 8, as follows:

[Roll No. 875]

YEAS—209

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

NAYS—216

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Allen
Carney
Cubin
Davis, Jo Ann
Jindal
Knollenberg
McNerney
Tancredo

□ 1514

Messrs. LINDER, RAMSTAD and DONNELLY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. KIRK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 348, noes 72, not voting 12, as follows:

[Roll No. 876]

AYES—348

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes

Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—72

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Broun (GA)
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Ehlers
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Mack
Manzullo
McCrery
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Price (GA)
Putnam
Radanovich
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Stearns
Sullivan
Tancredo
Wilson (SC)

NOT VOTING—12

Allen
Andrews
Berman
Carney
Cubin
Davis, Jo Ann
Green, Al
Jindal
Knollenberg
Murphy (CT)
Nunes
Pickering

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1521

Mr. POE 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.

Stated for:

Mr. NUNES. Mr. Speaker, on rollcall No. 876 I was inadvertently detained. Had I been present, I would have voted ''aye.''

Mr. BERMAN. Mr. Speaker, I inadvertently missed the vote on rollcall 876. I had intended to vote ''aye.''

VIETNAM HUMAN RIGHTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3096, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 3096, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15 as follows:

[Roll No. 877]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Tancredo

NOT VOTING—15

Allen
Buchanan
Carney
Cubin
Cuellar
Davis, Jo Ann
Edwards
Hulshof
Jindal
Kirk
Knollenberg
Kucinich
Musgrave
Pryce (OH)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1528

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1852, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

□ 1530

COMMEMORATING THE 25TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 326) commemorating the 25th anniversary of the Vietnam Veterans Memorial, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 326

Whereas the Vietnam Veterans Memorial marks the 25th anniversary of its dedication in 2007;

Whereas the Memorial commemorates the sacrifice of more than 58,000 men and women who lost their lives during the Vietnam War;

Whereas the Memorial honors the sacrifice of the 153,303 men and women who were wounded during the conflict;

Whereas the Memorial honors the more than 3,000,000 men and women who served in the United States Armed Forces in Southeast Asia;

Whereas the Memorial has served as a powerful force for national healing;

Whereas over four million people visit the Memorial each year to pay tribute to lost loved ones and remember the sacrifice of those who served the United States during the Vietnam War; and

Whereas the Memorial is a testament to the dedication of the private individuals and corporations that raised $8,400,000 to build the Memorial: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifice of the men and women who lost their lives in service of the United States during the Vietnam War;

(2) recognizes the service of the men and women who were members of the United States Armed Forces during the Vietnam War; and

(3) commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 326 commemorating the 25th anniversary of the Vietnam Veterans Memorial right here in America's capital city. I thank the gentlewoman from Oregon (Ms. HOOLEY) for bringing this measure before the House.

In capturing the tremendous sacrifice of our servicemembers, this memorial has helped our Nation heal from the losses our communities suffered throughout the Vietnam war. Maya Lin, the wall's designer, created the monument in such a way as to ''convey the sense of overwhelming numbers while unifying those individuals into a whole.'' The Vietnam Memorial is a testament to the ultimate sacrifice those who serve in uniform have made in defense of our Nation.

Over 4 million people visit the memorial each year. No one leaves unaffected by the experience. House Resolution 326 is our way, as Members of the United States Congress and citizens of this great Nation, of taking an important moment to pause in reflection and in gratitude for the freedoms we share today because of the contributions of our brave men and women in uniform in Vietnam.

Let us also take this opportunity to recognize those who are serving us on the front lines of battle in Iraq and Afghanistan and other hotspots around the world. Their sacrifice and devotion to duty continue in today's warriors. Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Res. 326 which commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial.

The idea of the memorial began in 1977 as a way to make amends for the indifference that had met Vietnam veterans who returned home to this country. It was also conceived as a place of honor for the brave young men and women who served and died in the Vietnam war including, Mr. Speaker, my Pony League baseball teammate, Dick Ulmer, and to give the estimated 43 million Americans, parents, brothers, sisters, wives, husbands and children, and yes, including those of 1st Lieutenant Ulmer of North Augusta, South Carolina, so directly affected by the losses in Vietnam a place to remember, to mourn, to reflect, and hopefully to heal.

Five years later, in 1982, ground was broken for the memorial and the first panel of the Wall, as the memorial is called today, was unveiled. Since that time, the Wall has become not only the most visited memorial on the National Mall with more than 4 million visitors annually, but also a very powerful and a moving place for recollection, solace and comfort for Vietnam veterans and their families.

As a place to honor the more than 58,200 servicemembers who died during the Vietnam war, and that number is just astounding as we think about the current situation in Iraq; and, of course, we mourn each and every one of those 3,600 lives that have been lost over a 4-year period of time. But Vietnam, 58,200 servicemembers died. The Wall has also become a national symbol of healing and coming together.

In short, the Wall has achieved a purpose and effect well beyond the original purpose, and no one who goes there can escape the emotional, deep impact that it conveys.

Mr. Speaker, it is entirely proper and fitting to commemorate the Wall's 25th anniversary. It honors the selfless sacrifice of not only those who died, but also the service of more than 3 million Americans who served in the Armed Forces in Southeast Asia. And beyond that, the Vietnam Veterans Memorial has helped this Nation reunite after one of the most divisive times in this Nation's history. For these reasons and many more, I urge all Members to support this resolution. I look for a unanimous vote.

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

Ms. SHEA-PORTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I thank my colleague for yielding me this time.

I first want to thank Chairmen SKELTON, RAHALL and FILNER for their strong support of this resolution and their continued leadership on issues impacting our veterans.

I rise today to urge my colleagues to join me and the 108 cosponsors of House Resolution 326 in commemorating the 25th anniversary of the dedication of the Vietnam Memorial on the National Mall in Washington, DC.

This November marks the 25th year of the memorial's healing presence. As a Nation, we are eternally grateful to the 58,253 men and women who lost their lives because of their service to the United States during the Vietnam war. I particularly want to honor and remember the 709 Oregonians whose names are etched on the Wall for their service to our country. Every time I visit the Wall, I am profoundly moved by their sacrifice. I know my fellow Oregonians and I will never forget them.

As Americans, we must always remember those who have given the ultimate sacrifice in service to our country. At a time when we are asking so much of our men and women in uniform, I believe it is vital to show by example that the United States never forgets those who served. Providing a clear demonstration of that gratitude was at the core of constructing the memorial 25 years ago and is the purpose behind this resolution today.

The memorial not only remembers those who gave their lives during the conflict, but also honors the more than 3 million men and women who served in the Armed Forces in Southeast Asia and the 153,303 individuals wounded in action.

The power of the memorial is just as strong today as it was 25 years ago. The millions raised by private individuals and corporations to erect the Vietnam Memorial demonstrated the widespread respect and appreciation for our Vietnam veterans 25 years ago.

That powerful sense of gratitude has continued as an estimated 4.4 million people visit the memorial each year to pay their respects to those who served and those who died during the Vietnam War. A grateful public has left more than 100,000 items of remembrances at the memorial for lost family, friends and comrades in arms. Pilgrimages to the Vietnam Memorial by new generations will also ensure that those who have no recollection of the strife from the Vietnam war era will still remember the service of the millions who fought for our country with honor and distinction.

The elegant simplicity of the monument's black granite wall refuses to render judgment on a conflict that sharply divided our country.

The memorial has played an important role of national reconciliation by helping to heal old wounds through enabling people of any opinion to express their gratitude for the men and women who paid the ultimate sacrifice for their country.

I once again urge my colleagues to support this important remembrance of those who served, and especially those who gave their lives for our country during the Vietnam war.

Mr. GINGREY. Mr. Speaker, I yield at this time such time as he may consume to the gentleman from Minnesota, Colonel JOHN KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to commemorate the 25th anniversary of the Vietnam Veterans Memorial, along with my colleagues. Though the memorial stands primarily as a tribute to the 58,000 who were killed in Vietnam, the Wall, as it is more commonly known, continues to surpass its original purpose by acting as a quiet reminder of the price of our freedom and honoring the more than 153,000 men and women wounded in action. Perhaps most importantly, it serves as a source of healing for the 3 million men and women who served in the United States military during this war.

The design was inspired by a need to bring reconciliation and healing to a country that was deeply divided. Its simplicity is transcended by a powerful message of remembrance. Each name is a person with a story. These soldiers served with honor and distinction, and the memorial helps us to remember them with the highest regard.

As a Vietnam veteran myself, the memorial carries particular significance. I am reminded of the friends and comrades who gave their lives and of a far different time and place in my life.

It is with these memories in mind that I express my sadness and disappointment at the reports of the recent desecration of the Wall. The people who did this have violated a sacred trust, and I consider their actions deplorable. If there are those who applaud this behavior, I would only remind them of the hypocrisy of their beliefs. Our freedom was won by brave men and women such as those honored on this Wall, and we should hold them all reverently in our hearts, as I know that we do when we visit that very powerful memorial. Frankly, Mr. Speaker, I hope these reports are not true or are exaggerated. I was appalled to hear them.

I cannot help but draw parallels between the Vietnam war and the situation in Iraq. We have men and women today who are carrying the mantle for this generation. We must be mindful to accord them the respect that they deserve and honor their service.

After 25 years, the memorial is unparalleled in terms of the sheer power of its presence. And there is irony because it was built into the ground. I remember the great debate that was taking place in this city and around the country when that memorial was put into place. There were those who thought it was a dishonor, frankly, to the men and women who served, to have this memorial be in the ground. But I know that every Vietnam veteran and their family and friends and Americans who have taken that walk down and stood at that powerful wall has reevaluated that opinion. Everyone who has been there has been moved, and for that I am very thankful.

Ms. SHEA-PORTER. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of H. Res. 326, commemorating the 25th anniversary of the Vietnam Veterans Memorial.

It is important to recognize the contributions of our men and women in the armed services no matter when they served. In particular, we should pay tribute to those who made the ultimate sacrifice during their service.

Although the Vietnam Veterans Memorial was dedicated nearly 25 years ago, the families of the fallen and their fellow soldiers find the same peace and solace there today. The memorial is a somber reminder of the devastating human costs of the Vietnam war and the massive losses this country sustained.

Mothers and fathers lost their children, and families throughout the country lost their loved ones. The Vietnam Veterans Memorial is a serene place that helps the country deal with one of the most difficult periods of our history, and it is important that we recognize such a lasting tribute.

Today, when we remember the Vietnam war, we should not forget the soldiers who laid down their lives in defense of this great Nation. Nor should we forget those who returned home with posttraumatic stress disorder.

As we reflect upon the commitment of our veterans from past conflicts, it is important to remember the 168,000 American soldiers currently serving overseas. We must do more for our Nation's veterans, those of past wars, current conflicts, and those who will defend our flag for generations to come.

We should never forget the deep sacrifice of our men and women in uniform, and it is fitting that we pause today to commemorate one of the most important and emotional events in our history. I urge my colleagues to support the resolution.

□ 1545

Ms. SHEA-PORTER. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Speaker, I thank the gentlelady for the opportunity to share this resolution that I am a cosponsor of, and I think it is the right thing to do, to honor those who made the sacrifice that they did in the Vietnam War.

Some of us in this body have served in that war. I would like to associate myself with those who have previously spoken. We are never wrong to take a moment and remind ourselves of those who gave the supreme sacrifice and laid their lives on the line, as so many did.

So it is a reminder to us that freedom is not free. I just had the opportunity a couple of days ago in a large group down in Iowa to ask all the veterans to make themselves known and to ask all those in the audience if would you please turn and thank your veterans. Because of them, we can have that opportunity to gather together on that hillside and share the freedoms that we take for granted so often.

So today on this 25th anniversary we are reminded particularly of the Vietnam veterans. Some of us 2, 3, 4, 5, 6 years ago went down and had kind of a picture-taking opportunity with Members in the Congress with Vietnam veterans at the Wall. And for all of us, we had to stop and realize our names could have been there, too.

We recognized names of our colleagues and comrades that fell and paid the price because the country asked them to do that. That is happening this very day, of course, in other parts of the world.

So I thank you, gentlelady, for the time. I appreciate you bringing this forward. I certainly urge its passage.

Mr. GINGREY. Mr. Speaker, in my concluding remarks I just want to say that as I listened to the gentleman from Minnesota (Mr. KLINE), my colleague on the House Armed Services Committee, talking about the Vietnam War Memorial, the Wall, as he pointed out, I reflected back maybe almost 25 years ago when I went to the Wall for the first time.

Mr. Speaker, I don't think I had ever been to any other war memorial. The World War II Memorial, as we know, was not there at the time. But I went to the Wall, the Vietnam War Memorial, to look for the name of a friend. It is kind of hard to find, as we all know, the small engraved names on the wall. Of course they direct you how to do that. I think a lot of us just go to the wall and start looking.

As I think back on those years ago when I looked up to see my friend Dick Ulmer's name, and think about that classmate, teammate, friend, weight-lifting buddy when we were in the sixth, seventh, eighth grade, and thinking about the fact, Mr. Speaker, that he had given his life. I thought about his parents, who are now deceased, and of course his wife and his sister.

This opportunity today to control the time on our side, and I thank Ms. SHEA-PORTER for that opportunity, to reflect back on a great hero. I think an important thing for us to remember today as we vote, and I think we will have a unanimous vote on this, is that no matter how popular a conflict, or maybe in the case of the Vietnam War, with many people unpopular, the men and women that paid the price, the ultimate sacrifice, and their families, it doesn't matter what the conflict, they do their duty.

God bless them and God bless America.

Mr. UDALL of New Mexico. Mr. Speaker, our nation prides itself on establishing monuments and memorials in remembrance of the past. We shape marble, bronze, granite and stone into physical commemorations, hoping that they will reflect particular ideals of justice, principles, and beliefs from our country's history and encourage those who visit to embody the same ideals. Twenty-five years ago, the Nation found itself dedicating a memorial to a war that was bitterly fought both at home and abroad and trying to find within that memorial the peace and solace that had been elusive for so long.

The memorial design created by 21-year-old Yale University undergraduate Maya Lin, and managed by the National Park Service, wrought emotional reactions from the crowd when it was dedicated in November 1982. Thousands of veterans, regardless of their personal feelings on what the war had meant to them, found themselves moved by the Wall. Their faces reflected against the names of the dead etched into the black granite, visitors found that this memorial was not simply a standing block of stone, but instead was a moving tribute that refused to separate the past from the present, merging the two and forcing them to coalesce into a semblance of calm.

Now 25 years later we continue to see the effect of the memorial. Families and friends leave at the base of the memorial personal belongings of those whose names lie above. Boisterous crowds traveling noisily from monument to monument fall silent when entering the cut of earth that starts the Wall, their eyes skipping from name to name, recognition on their face that each one represents an individual who gave their life for their country. And those who fought and returned home see the names of fellow soldiers, an attempt not to justify or explain those losses, but simply to honor and remember them.

Early this month, the Wall was vandalized and the face of the granite desecrated. While long-term damage is not expected, this act of dishonor flies in the face of what the memorial represents. I hope that every single one of my colleagues will join me in denouncing those who committed this vandalism.

With each new year the wounds of the Vietnam War further heal, the passage of time helping to wear away the dissonance and divide. The Vietnam Veterans Memorial plays a large role in this process, bringing us together not only to remember what occurred and what was lost, but also to ensure that we do not forget. It is fitting that we commemorate the anniversary of this memorial and again offer the grateful thanks of our Nation to those who served.

Ms. BORDALLO. Mr. Speaker, I rise in strong support of House Resolution 326, commemorating the 25th anniversary of the Vietnam Veterans Memorial. Comprised of the Wall of names, the three Servicemen Statue and Flagpole, and the Vietnam Women's Memorial, the Vietnam Veterans Memorial honors the 58,000 members of the United States Armed Forces who lost their lives in service to the United States in the Vietnam War and recognizes all those individuals who served during that time.

The Memorial is a national treasure. When seen from a distance, the smooth angular blackness of the Wall of names cuts into a gently rising knoll of green grass on the National Mall, symbolizing the collective sacrifice made by the tens of thousands of American youth who, in the prime of their lives, fought and perished in distant fields of battle in Southeast Asia to defend democratic government under siege. Standing at arm's length the sacrifice honored by the Wall comes into clearer focus. The white letters etched in black stone reveal the names of soldiers lost forever to their country, to their military service and, tragically, to their families and loved ones. Closer still, the image of our reflection seen in the Wall's mirror-like stone reminds us each name recorded there represents a person—an individual no different than us. The act of reading their names keeps alive our cherished memories of them. The act of the reading their names also helps keep them alive and well in our hearts.

On the occasion of the anniversary of the opening of the Vietnam Veterans Memorial we recall all of those individuals involved in its authorization, design, construction, and dedication. Most especially, we acknowledge the work of Maya Ying Lin, and we recognize the vision, sentiment, and artistry she has shared with the world through this project. We also recognize the work that is being undertaken today pursuant to an Act of the 108th Congress to construct the visitor center at the site, which will contribute to visitors' understanding and appreciation for the Memorial and what it signifies.

Mr. Speaker, etched and engraved on that Memorial Wall are the names of 70 sons of Guam. Our community suffered the highest casualty rate per capita of any State or Territory in the Nation during the Vietnam Era. Today, we recall the members of our own community, in addition to their fellow soldiers, who were the uniform and served in the Vietnam era.

To visit the Wall of names, the three Servicemen Statue and Flagpole, and the Vietnam Women's Memorial is to pay respect to those Vietnam Veterans Memorial honors and to renew our commitment that their mission, their sacrifice, and their lives will never be forgotten. This resolution commemorating the Memorial on its 25th anniversary also helps accomplish those goals.

Mr. MATHESON. Mr. Speaker, I rise today to support the bipartisan Vietnam Memorial Resolution commemorating the 25th anniversary of the construction of the Vietnam Veterans Memorial, H. Res. 326. This memorial honors the more than 58,000 brave men and women who paid the ultimate sacrifice during the Vietnam war for our great Nation. We must never forget the brave service members who served in Vietnam.

Millions of people visit this breathtaking memorial to pay their respect to those people who lost their lives between 1956 and 1975 or are still missing in action. The memorial has been a source of comfort and healing for those families and friends who have lost loved ones in the Vietnam war.

I also wish to express my support and gratitude for all the men and women who served with valor in our armed services protecting our freedom and democracy. I believe that the Vietnam memorial encourages all people of the United States, and the world, to remember the sacrifices of American veterans of this war, especially those who served in Vietnam. This memorial is a beautiful work of art and this resolution has my full support.

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

Ms. SHEA-PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 326, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE SERVICE OF THE 65TH INFANTRY BORINQUENEERS

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443) recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country, and commending all efforts to promote and preserve the history of the 65th Infantry Borinqueneers, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 443

Whereas the 65th Infantry Regiment, the only Hispanic-segregated unit in United States military history, was mandated by

Congress to be comprised primarily of Puerto Ricans;

Whereas the 65th Infantry Regiment became better known as the Borinqueneers from the word Borinquen, the name that the native Taino Indians called Puerto Rico;

Whereas the Borinqueneers, throughout their service in World War I, World War II, and, most notably, the Korean War, served with distinction;

Whereas the Borinqueneers demonstrated their military prowess in Korea and earned the respect and admiration of their fellow soldiers and military authorities, most notably General Douglas MacArthur;

Whereas the Borinqueneers were sent to battle on the front lines in Korea and participated in nine major campaigns during the Korean War;

Whereas the Borinqueneers made valuable contributions to the war effort, including by suffering a tremendous number of casualties that was disproportionate to the population of Puerto Rico;

Whereas the 65th Infantry Borinqueneers earned well-deserved praise, including two United States Presidential Unit Citations, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations;

Whereas the 65th Infantry Regiment 1st Battalion continues its fine tradition as an active unit in the Puerto Rico Army National Guard; and

Whereas Puerto Ricans have continued to volunteer freely and serve in the Armed Forces and have served ably during wartime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the service of the 65th Infantry Borinqueneers during the Korean War;

(2) honors the people of Puerto Rico, who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country; and

(3) commends all efforts to promote and preserve the history of the 65th Infantry Borinqueneers.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 443, recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for services in the Armed Forces and make sacrifices for this country, and commending all efforts to promote and preserve the history of the 65 Infantry Borinqueneers. I thank my colleague from Massachusetts (Mr. MCGOVERN) for bringing this measure before the House.

In 1908 the United States Congress directed that a unit be established and comprised primarily of individuals from Puerto Rico, which was then renamed in 1920 as the 65th Infantry Regiment. Our brothers and sisters of the 65th Infantry Borinqueneers fought valiantly and gave their lives during the Korean War and the two World Wars.

Since 1917 the Commonwealth of Puerto Rico has been a part of the United States and home to almost 4 million U.S. citizens. During the Korean War, Puerto Rico lost a disproportionate number of servicemembers relative to the population of the island as a whole. Eight soldiers of the 65th Infantry Regiment received the Distinguished Service Cross, and 129 were awarded the Silver Star for their heroism during the Korean conflict.

House Resolution 443 highlights an important group of servicemembers who have helped forge the foundation of the freedoms that we enjoy today. The 65th Infantry Borinqueneers are to be recognized for their tremendous sacrifice. We should not forget those who are serving today in Operation Iraqi Freedom and Operation Enduring Freedom.

The people of Puerto Rico and all Americans can be proud of the tremendous contributions these men have made to the defense of our Nation.

Mr. Speaker, I urge my colleagues to support House Resolution 443.

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

Mr. GINGREY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I do rise in support of House Resolution 443, which recognizes the service of the 65th Infantry Regiment, Puerto Rico National Guard.

Today, Mr. Speaker, the First Battalion, 65th Infantry Regiment, Puerto Rico National Guard, continues a tradition of outstanding service in the Army established by members of that regiment in World War I, World War II, and in Korea. Their motto, ''Honor and Fidelity,'' summarizes that service.

Mr. Speaker, in Korea, as an active Army unit, the regiment fought with particular distinction, participating in nine major campaigns from 1950 until 1953. For its actions, the unit was awarded two Presidential Unit Citations, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations.

Such outstanding service led General Douglas MacArthur to say: ''The Puerto Ricans of the gallant 65th Infantry on the battlefields of Korea are writing a brilliant record of achievement in battle, and I am proud indeed to have them in this command. I wish that I had many more like them.''

In achieving such recognition for their competence and valor, the men of the 65th Infantry suffered heavy casualties and numerous vicious battles against determined North Korean and Chinese units. Moreover, the men of the 65th not only had to overcome severe weather and terrain and shortages of clothing and equipment, but also the elements of prejudice and unfavorable bias that they encountered.

Mr. Speaker, given the history of outstanding service by the 65th since its inception back in 1898, as well as the continuing commitment and dedication shown by the current members of this unit, it is fitting that we take the time today to recognize and to honor that service.

I strongly urge all Members to support this resolution.

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

Ms. SHEA-PORTER. Mr. Speaker, I yield 4 minutes to my friend and colleague, the gentleman from Massachusetts (Mr. MCGOVERN), the sponsor of this resolution.

Mr. MCGOVERN. Mr. Speaker, I want to thank my colleague from New Hampshire for her remarks and for yielding me the time and for her leadership on the Armed Services Committee. I also want to thank my good friend from Georgia for his words in support of this resolution, House Resolution 443, which pays tribute to the 65th Infantry Borinqueneers and to the men and women of Puerto Rico who continue to serve our country with honor and distinction.

Mr. Speaker, I will insert into the RECORD a letter from Anibal Acevedo Vila, the Governor of Puerto Rico, endorsing this legislation.

JULY 18, 2007.

Hon. JAMES MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: Thank you for your efforts to recognize the service of Puerto Ricans in the armed forces of the United States, and in particular, the 65th Infantry Borinquineers, by introducing H. Res. 443. Puerto Ricans have served with great distinction in the military, and I appreciate your efforts to highlight their service.

The 65th Infantry Borinquineers were founded as an all-Puerto Rican regiment in 1899, and served in World War I, World War II, and in the Korean War. It was in this last campaign that the 65th Infantry earned their renown, leading General Douglas MacArthur to remark: ''[t]he Puerto Ricans forming the ranks of the gallant 65th Infantry . . . are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.'' During the Korean War, members of the 65th Infantry were awarded 10 Distinguished Service Crosses, 256 Silver Stars, and 606 Bronze Stars.

As H. Res. 443 acknowledges, Puerto Ricans have a tradition of dedicated and honorable service in the armed forces of the United States. Military units from Puerto Rico were among the first to deploy following the attacks of September 11, 2001, and over 7,000 members of our National Guard have since been deployed in support of current operations. Over 55 soldiers, sailors and airmen of Puerto Rican descent have lost their lives in Iraq and Afghanistan. There are over 144,000 veterans living in Puerto Rico, and four sons of the Island have earned the Medal of Honor since Vietnam, the second highest per capita of any jurisdiction in the United States.

Puerto Rican soldiers in the armed forces today continue the tradition of the 65th Infantry by serving with honor and distinction and make all Puerto Ricans proud of their service. Once again, I appreciate your introduction of H. Res. 443 to recognize and commend those Puerto Ricans who have served

in the past and present in our nation's armed forces, and I look forward to the resolution's adoption.

Sincerely,

ANIBAL ACEVEDO VILÁ,
Governor, Commonwealth of Puerto Rico.

Mr. Speaker, it has been a privilege to learn about the proud service of the 65th Infantry Borinqueneers, the only Hispanic-segregated unit in the United States Military history. The first native Puerto Rican troops were approved by Congress in 1899, designated as the Puerto Rican Regiment U.S. Volunteers.

The regiment was ordered to war strength in 1917 and served in defense of the Panama Canal during World War I. On June 4, 1920, the regiment was officially re-designated as the 65th Infantry, U.S. Army.

After serving ably in France and Germany during World War II, the 65th was ordered to Korea in 1950. It was during the Korean War where the 65th Infantry invoked the name Borinqueneers, and it is also where they demonstrated their military prowess.

The name Borinqueneers comes from the word Borinquen, which is the original native Taino Indians of the island we now call Puerto Rico. Many members were direct descendants of these native people.

The Borinqueneers fought on the front lines in Korea, participating in nine major campaigns throughout the war. They were the protection force for marines withdrawing from far inland positions. They were the leading unit in the United Nations offensive of April 1951. In every campaign they performed as one of the most effective infantry regiments in the Army.

Earning the respect and admiration of fellow soldiers and military leaders, General Douglas MacArthur himself remarked, ''They showed magnificent ability and courage in field operations,'' and ''they are a credit to Puerto Rico, and I am proud to have them in my command.''

Mr. Speaker, it is of the utmost importance that we recognize the valiant service of the Borinqueneers and that we recognize the sacrifices made by the people of Puerto Rico during the Korean War: 61,000 Puerto Ricans served in the U.S. Army during the Korean War, the overwhelming majority in the 65th Infantry Regiment.

By the end of the war, 743 Puerto Ricans were killed, and over 2,300 wounded. One of every 42 casualties suffered by U.S. forces in Korea was Puerto Rican. Puerto Rico endured one casualty for every 660 of its inhabitants, a disproportionately heavy burden for the small island. This statistic highlights the enormous sacrifice by Puerto Rico, and it gives testament to the honor and distinction of their service.

Mr. Speaker, I would also like to note some current efforts to promote and preserve the history of the 65th Infantry Borinqueneers. In my district, the Korean War Memorial of Central Massachusetts Committee, along with Colonel Gilbert Villahermosa, Inspector General of the Massachusetts Army National Guard, and the Puerto Rican community of central Massachusetts are working together to commemorate the 65th Infantry.

The efforts have included promotion of the documentary film ''The Borinqueneers,'' construction of a memorial flagpole, and Colonel Villahermosa himself has released a book detailing the critical role which the 65th Infantry played in Korea.

Mr. Speaker, I am very proud to have introduced this bill with the Representative from Puerto Rico (Mr. FORTUÑO), and I would also like to thank Chairman SKELTON and all members of the Armed Services Committee who supported its consideration on the suspension calendar.

Again, I want to thank my two colleagues, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY), for their words here today.

Mr. Speaker, I urge all of my colleagues to pass House Resolution 443.

Mr. GINGREY. Mr. Speaker, I have no further requests for time. Before yielding back, I would like to encourage all of our colleagues, both sides of the aisle, and I am sure we will have a unanimous vote on H.Res 443. I thank the gentlewoman from New Hampshire for allowing me to control the time on this side.

Mr. FORTUÑO. Mr. Speaker, during this month, our country proudly celebrates Hispanic Heritage Month. In the midst of this celebration, it is with great honor and pride that I stand in support of H. Res. 443 which seeks to recognize the service of the 65th infantry regiment during the Korean War known as the Borinqueneers Regiment. I also want to thank Congressman MCGOVERN for his leadership in honoring these brave soldiers. At a time when there is a national dialogue on the contributions of Hispanic Americans, there is no better way to recognize their achievements, than by voting for H. Res. 443.

We know that since the Civil War, where over 10,000 Hispanic Americans wore uniforms for both sides, the number of soldiers of Hispanic heritage that have served in each conflict has been significant. Their participation in every military conflict is a source of many heroic actions.

In World War I, 200,000 Hispanics were mobilized and to this day we hear stories of their valor, and devotion to spread democracy and freedom around the World.

Roughly half a million Hispanics served during World War II. They fought bravely in all of the major conflicts extending throughout Europe, the Pacific and Africa.

But it is during the Korean War that over 148,000 Hispanics served, of which 20,000 were from my district in Puerto Rico. 4,000 of them comprised the 65th Infantry Regiment, the largest U.S. infantry regiment for that war. This regiment fought in every major campaign of the Korean War and received numerous praises including a Presidential Unit Citation, Meritorious Unit Commendations and two Republic of Korea Unit Citations for their performance. I would like to quote General Douglas MacArthur, who said in Tokyo on February 12, 1951: "The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea . . . are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them."

It is due to this ever-growing identity in the United States, that Hispanic Americans continue to wear, with honor, the uniforms of our Armed Forces. This legislation honors the 65th Infantry Borinqueneers and the legacy they left behind; a legacy of valor, courage and self-sacrifice in the face of adversity. I am proud to be an American of Hispanic descent and equally proud to represent the members of the 65th Infantry Regiment; it is for them that I stand here today in support of this legislation and urge all my colleagues to unanimously vote in favor of H. Res. 443.

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

Ms. SHEA-PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 443, as amended.

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

A motion to reconsider was laid on the table.

□ 1600

EXPRESSING APPRECIATION AND THANKS FOR THE SERVICE OF MEMBERS OF THE 303RD BOMBARDMENT GROUP (HEAVY) UPON THE OCCASION OF THE FINAL REUNION OF THE 303RD BOMB GROUP (H) ASSOCIATION

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 604) expressing the Nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group (H) Association, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 604

Whereas the 303rd Bombardment Group (Heavy) was activated on February 3, 1942, at Pendleton Field, Oregon, and trained at Gowen Field, Idaho, from February 11, 1942, until June 17, 1942;

Whereas the 303rd Bombardment Group (H) was stationed in Molesworth, England, and comprised of the 358th Bombardment Squadron, the 359th Bombardment Squadron, the 360th Bombardment Squadron, and the 427th Bombardment Squadron;

Whereas the 303rd Bombardment Group (H), also known as ''Hell's Angels'', arrived at Molesworth, England on September 12, 1942, and bravely fought in World War II;

Whereas the 303rd Bombardment Group (H) support personnel sailed on the Queen Mary

on September 5, 1942, and arrived at Greenock, Scotland, on September 11, 1942, the flight crews flew to Kellogg Field, Michigan, then to Dow Field, Maine, to start their flights to England across the Atlantic Ocean;

Whereas the 303rd Bombardment Group (H) flew its first combat mission on November 17, 1942, and its last mission on April 25, 1945;

Whereas the 303rd Bombardment Group's B-17 ''Hell's Angels'' was the first to successfully complete 25 combat missions on May 13, 1943;

Whereas the 303rd Bombardment Group (H) flew 364 combat missions against enemy targets, the most of any B-17 Bomb Group in the 8th Air Force during World War II;

Whereas two 303rd Bombardment Group (H) airmen were awarded the Congressional Medal of Honor, four were awarded the Distinguished Service Cross, 33 were awarded the Silver Star, and approximately 1,200 Purple Hearts were awarded for those killed or wounded in action;

Whereas the 303rd Bombardment Group (H) adopted the motto ″Might in Flight″ in October 1942 and lived up to it on each of their 364 combat missions;

Whereas 165 aircraft in the 303rd Bombardment Group (H) were listed as missing in action (MIA);

Whereas the original 303rd Bombardment Group (H) was inactivated on July 25, 1945, at Casablanca;

Whereas the veterans of the 303rd Bombardment Group (H) formed the 303rd Bomb Group (H) Association in 1975 to provide opportunities for 303rd veterans, families, and friends to meet;

Whereas the veterans of the 303rd Bomb Group (H) Association memorialize and perpetuate the memory of 303rd Bombardment Group (H) comrades lost during World War II, and who have since passed away;

Whereas due to age and the declining health of the 303rd Bombardment Group (H) veterans, the 303rd Bomb Group (H) Association Board of Directors has made the difficult decision to dissolve the Association at the end of 2007; and

Whereas the 303rd Bomb Group (H) Association's final reunion will be held in Washington, D.C., on September 19, 2007 through September 23, 2007: Now, therefore, be it

Resolved, That—

(1) The dedicated men and women who served in the 8th Air Force, 303rd Bombardment Group (H), ″Hell's Angels″, including the nearly 5,000 listed as missing in action, during World War II are heroes and champions of American freedom; and

(2) The House of Representatives, on behalf of a grateful nation, recognizes the final reunion of the 303rd Bomb Group (H) Association and commends the honorable members of the Association, who never once turned away from their assigned target, for their selfless service to our country.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 604, expressing the Nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of their final reunion. I thank my colleague from Michigan (Mr. MCCOTTER) for bringing this measure before the House.

Our history is rich with heroes who have risen above and beyond the call of duty in service to our great Nation. The American flag billows proudly above this Capitol building, and even more boldly behind your seat, Mr. Speaker, due to the extraordinary heroism of our servicemen in times of war.

The 303rd Bombardment Group is certainly part of this legacy. Two 303rd Bombardment Group airmen, Technical Sergeant Forrest Vosler and First Lieutenant Jack Mathis, were awarded the Congressional Medal of Honor, four were awarded the Distinguished Service Cross, 33 were awarded the Silver Star, approximately 1,200 Purple Hearts were awarded for those killed or wounded in action, and over 5,000 were listed as missing in action during World War II. While these numbers make me proud to be an American, statistics alone cannot begin to comprehend the tremendous service they have done for all of us.

The members of the 303rd Bomb Group Association have provided opportunities for 303rd veterans, families and friends to meet, and have perpetuated the memory of the 303rd Bombardment Group comrades lost during World War II, since the organization was founded in 1975.

And while the 303rd Bomb Group Association is meeting this week for the final time, the United States House of Representatives and our great Nation can express its sincerest thanks for their service by carrying forth the mission statement of the 303rd Bomb Group Association and making timeless the memory of their successes and sacrifices by memorializing their history in law.

Mr. Speaker, I urge my colleagues to support House Resolution 604.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today I speak in support of House Resolution 604, which expresses the Nation's appreciation and thanks for the servicemembers of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group Association.

Mr. Speaker, it is unfortunate to learn that the 303rd Bomb Group Association will dissolve following their final reunion this week in Arlington, Virginia. The declining number of these courageous veterans makes it difficult for the association to continue their annual reunions.

With that being said, Mr. Speaker, it is an honor for me to pay tribute to the valiant men of the 303rd Bombardment Group known as ''Hell's Angels.''

Activated in February 1942 at Pendleton, Oregon, the 303rd was an Eighth Air Force Bomber Group that flew the mighty B–17 Flying Fortress out of Molesworth, England. Living up to their adopted motto, ''Might in Flight,'' the air crews flew a record 364 combat missions against enemy targets, the most of any B–17 Bomb Group in the Eighth Air Force during World War II.

For its actions in the skies over Europe, the group was awarded a Distinguished Unit Citation in January 1944, two of the heroic crew men of the 303rd were awarded with Congressional Medal of Honor, and four earned the Distinguished Service Cross.

For all of their accomplishments, the members of the Bomb Group paid a heavy price in casualties, aircraft losses, and capture by the enemy. Their determination to complete the mission regardless of the opposition or the odds carried them through their losses and on to victory in the air.

Mr. Speaker, given the history of outstanding service by the 303rd Bombardment Group during World War II, as well as the last reunion of the veterans of the 303rd taking place this week, it is fitting that we take the time today to recognize and honor their service. I therefore strongly urge all my colleagues to support this resolution.

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

Ms. SHEA-PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I recognize Mr. MCCOTTER of Michigan for such time as he might consume.

Mr. MCCOTTER. Mr. Speaker, I would like to thank the sponsor of the resolution and the chairman of the committee, the ranking member, and all of my colleagues who are joining me in support of honoring the heroic members of the 303rd Bombardment Group.

It has rightly been said that they were the greatest generation; and yet, it is important, through the adoption of resolutions and other instances, where we, as a people, recognize their sacrifice for the very liberty upon which our free Republic is founded, always remember that their service to our Nation did not end with World War II, for they continued in their transition to civilian life where they also helped form the foundation of our Nation. But it is also critical that, too, at this juncture, where again another generation of Americans finds themselves tasked with defending freedom in its maximum hour of danger, that we never forget the example that these citizens, soldiers and airmen set for the rest of us, not just as a matter of history, but as a matter for our progeny that they may ever breathe free.

Ms. SHEA-PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I want to congratulate Mr. MCCOTTER for bringing forth this resolution so that this body might honor the 303rd.

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

Ms. SHEA-PORTER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire

(Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 604, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 326 and H. Res. 604.

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

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. SPRATT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 207) recognizing the 60th anniversary of the United States Air Force as an independent military service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 207

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S. Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who steadfastly sacrifice personal fortune and family comfort in order to serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a trustworthy steward of resources, developing and applying technology, managing professional acquisition programs, and maintaining exacting test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I rise today in support of House Resolution 207, recognizing the 60th anniversary of the United States Air Force as an independent military service. I thank my colleague from New Mexico, HEATHER WILSON, in particular, for her partnership and collaboration in helping to bring this bipartisan measure before the House. I want also to recognize the outstanding leadership of the cochairs of the Air Force Caucus, CLIFF STEARNS of Florida, SAM JOHNSON of Texas, and JIM MARSHALL of Georgia for their participation.

Sixty years ago in July, President Truman and Congress distilled the lessons learned in World War II into landmark legislation known as the National Security Act of 1947. On September 18, the Armed Forces were reorganized under a Department of Defense, and the Air Force was established as a military department coequal to the Departments of the Army and the Navy.

The question of whether air forces should be a service on their own separate from the ground forces arose long before it was resolved in the National Security Act of 1947. Over a period of 40 years, airmen earned that recognition, beginning with the Aeronautical Division's earliest exploits in 1907, followed by the derring-do of the Army Air Service in World War I, and then by the superior performance of the Army Air Corps, later the Army Air Forces, in World War II. America's airmen performed well; so well, in fact, that when battles were fought in the air, they were won decisively, making air superiority a standing assumption.

This tradition started during World War II, with aviators like General Doolittle. During the war in North Africa and Europe, General Eisenhower and General Spaatz, as commander of the Army Air Forces, worked well together. General Eisenhower came to appreciate the capabilities of air power and the role of the Air Force in achieving victory. He called General Spaatz, ''the best operational airman in the world,'' and became persuaded that the Air Force should exist alongside and equal to the Army and the Navy. Ike compared this arrangement to a three-legged stool, where each leg is essential to the whole. It's a principle alive, well, and working today.

Since its origin, the Air Force has stayed abreast of our national security requirements, adding missiles to aircraft, and through a long cold war, deterring any attack upon our country. The Air Force is typically called when we need to gain air superiority with troops and materiel, when and wherever the need arises. Its airlift and tanker capabilities give us the advantage of remote presence. Its satellites supply us with surveillance and communication capabilities that are the gold standard, surpassing anything that any other country in the world possesses. Not only has the Air Force achieved a technical overmatch against our adversaries in the air, but in space and cyberspace as well.

In today's Air Force, over 700,000 ''Total Force Airmen'' are at work as we speak, exercising vigilance, reach, and power around the world. They are operating intelligence and reconnaissance aircraft and spacecraft, supplying early warning, real-time intelligence, and situational awareness to the war fighters on the ground. They are a critical presence in the battle space of Afghanistan and Iraq. They are lifting cargo and passengers, and using refueling assets to build air bridges, projecting power, and sustaining the fight.

Although the hardware tends to get the headlines, it is the people who make it work and who make the Air Force what it is. When General Horner came home from the Persian Gulf in 1991, I asked him who were the unsung heroes, and he answered without hesitation, ''Well, for one, it is our NCOs; their quality has literally gone out of sight.'' I was reminded of what General Horner said when I was at Shaw Air Force Base not long ago and met with the Fighting 20th and its wing commander, Colonel Post, along with airmen and women, many of them about to deploy. They will be part of some 35,000 other airmen deployed around the globe. Because of them and others like them, we have the best Air Force in the world, bar none.

This concurrent resolution is our way, as Members of Congress and citizens of this Nation, of expressing our appreciation, of recognizing the United States Air Force, its leaders and airmen, for consistently proving their worth to our Nation and helping make this the land of the free and the home of the brave.

Let me conclude with the resolving clause: That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending our country on the 60th anniversary of the creation of the United States Air Force as an independent military service.

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

Mr. TURNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I represent the Third District of Ohio, which includes both the historic birthplace of aviation, home of the Wright brothers, as well as the home of Wright-Patterson Air Force Base, and I am honored to speak today in favor of H. Con. Res. 207.

The bill remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on this 60th anniversary of the creation of the United States Air Force as an independent military service.

I would like to also recognize and thank my colleagues Mr. SPRATT from South Carolina and Mrs. WILSON from New Mexico for their efforts in writing this bill and ushering it to the floor.

The United States Air Force is the largest modern Air Force in the world, with over 7,000 aircraft in service and about 358,600 men and women on active duty. The numerous airmen, technicians, and support staff through the years have served in the Air Force with honor, courage, and dignity.

Throughout history, the Air Force has adapted and designed new aircraft to meet the threats faced by the military, such as designing long-range bombers, more advanced tactical fighters, and eventually stealth aircraft. The humanitarian operations in Berlin after World War II, the Berlin Airlift, would not have happened was it not for the accuracy and dedication of the pilots of the Air Force. Today, the United States Air Force continues to be on the cutting edge of technology, pushing the envelope of aircraft and pilot to new bounds.

□ 1615

The F–22A and F–35 are the world's only fifth-generation fighters.

Mr. Speaker, I would also like to recognize the 60th anniversary of the Air Force for its impact that it has had on my community of Dayton, Ohio. Wright Patterson Air Force Base in my district is the largest stand-alone base in the world, as well as being the home to the National Museum of the United States Air Force. Wright Pat has a strong tradition as a research and development hub, which started with Wright Pat when it was known as Huffman Prairie. Huffman Prairie is the location where the Wright brothers developed the first practical airplane that was able to sustain flight. During the early years of flight, the Wright brothers used Huffman Prairie as a research and development facility. The tradition continues, as the research conducted at Wright Pat today will provide U.S. troops with advantages on the battlefields of tomorrow. For example, the F–22A fighter, considered the most advanced fighting plane ever

built, was significantly developed, in part, at Wright Patterson Air Force Base.

Again, I am honored to recognize the 60th anniversary of the United States Air Force and all of those who have served, and I urge my colleagues to support this bill.

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

Mr. SPRATT. Mr. Speaker, we have a long list of cosponsors on this side of the aisle for this resolution, and I had a long list of potential speakers; but due to the rearrangement of resolutions, none is here now; and I would simply yield to the gentleman from Ohio so that he can further yield his time. And if you need further time on our side, we will be glad to grant it as well.

I reserve the balance of my time, of course.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Dr. GINGREY of Georgia.

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Con. Res. 207, recognizing the 60th anniversary of the United States Air Force as an independent military service, joining my colleague, the mayor of Dayton, and my colleague on the House Armed Services Committee.

Many Americans may not realize that for the first 40 years of its existence, the United States Air Force was actually a department of the Army. It was not until President Harry Truman signed the National Security Act of 1947 that the Air Force became an independent military service and W. Stuart Symington became the first Secretary of the Air Force, later a United States Senator.

Since 1947, the Air Force has been an integral part of the United States military. Over the last 15 years the United States Air Force has been in continuous combat. Operation Desert Shield and Desert Storm featured a full spectrum of Air Force capabilities. During the so-called ''peacekeeping missions'' in Somalia, Haiti and Kosovo, the Air Force contributed logistical and operational support and demonstrated its ability to achieve mission objectives without the use of ground forces.

In Georgia's 11th Congressional District, Mr. Speaker, Dobbins Air Reserve Base has contributed to the success of the Air Force by providing key training of pilots and support personnel on both the C–130 and the C–5 platforms. In addition to Dobbins' training capabilities, FEMA's Federal Incident Response Team Atlanta is staged at Dobbins, and it mobilizes throughout the Southeast to disasters, both natural and manmade.

Dobbins also plays a role in the continued air dominance of the United States as the initial testing grounds for the F–22 Raptor stealth fighter.

Never before has the United States' ability to project military power depended so heavily on air and space capabilities. Whether in a leading role or a support role, the United States Air Force has proved its unsurpassed airspace and cyberspace capabilities.

Mr. Speaker, I urge all my colleagues to remember the importance of a strong national defense and certainly vote in favor of H. Con. Res. 207.

Mr. SPRATT. Mr. Speaker, I will continue to reserve my time.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Mrs. WILSON of New Mexico.

Mrs. WILSON of New Mexico. Mr. Speaker, the important thing about this resolution, to me, is that the Air Force and celebrating its anniversary is about the people who have served, those who've worn the uniform.

In 1916, at the age of 17, my grandfather lied about his age and joined the Royal Flying Corps. He flew DH–7s and DH–9s and did sub search in the Irish Sea during World War I.

And after the First World War, there weren't many jobs to be had, so he came to America in 1922 and became a barnstormer in the early days of civil aviation, really the heyday of civil aviation, as new airplanes, new records, new payloads for speed and distance were being set across America.

In World War II, he towed targets and ferried parts and developed a system to Medivac soldiers out of the China, Burma, India theater of operations. Then it was B–72s and B–25s, P–38s and Corsairs.

In 1943, as a boy of 13, my father started taking flying lessons, traded them for time as a line boy down at the airport. And after World War II, and before Korea, my dad joined the Army Air Corps, which while he was in service became the United States Air Force. He was a crew chief at Walker Field in Roswell, New Mexico, taking care of, I think, F–86s at that time, although the hot plane was the F–100.

He left the Air Force and came home to be a commercial pilot. He taught my mom to fly. And in our 2-bedroom house we had three kids, two dogs, a den that was full of airplane.

In 1976, when I was a junior in high school, I was in my mother's bedroom when there was a television story on her little black and white portable TV that said that the Air Force Academy was opening its doors to women.

Well, my grandfather had had two sons, five grandsons and me. I went to see him and told him I was thinking about maybe going to the Air Force Academy, and he said, well, I flew with some women in World War II and they were pretty good sticks, so I guess that'd be okay.

My grandfather started to fly shortly after the Wright brothers first took to the air, and he lived to see a man walk on the Moon. It has been a remarkable century of aviation, and the Air Force has been part of it.

Next year, after 33 years of service, active, Guard and Reserve, my husband will retire from the United States Air Force.

Generations have been inspired and protected by air warriors who broke the sound barrier, who tested rocket sleds, who trained as astronauts, who became aces and supported those who were, names we know like Billie Mitchell and Jimmy Doolittle, Lance Sijan, Hap Arnold, Bud Day, Clarence Kelly Johnson, and names we don't know of airmen and women called to serve and inspired by the thrill of flight.

Mr. SPRATT. Mr. Speaker, in the interest of jointness, I have now the pleasure of recognizing and yielding 4 minutes to the gentleman from Pennsylvania (Mr. SESTAK), who is a retired naval admiral.

Mr. SESTAK. Mr. Speaker, I rise in support of this resolution. This past weekend I had the opportunity with an 82-year-old airman to sit down with him and awarded him, after some work had been done, with the Distinguished Flying Cross. And he so proudly opened up his charts and the maps that he had flown over Europe back in World War II.

And as a Navy officer, I came to realize the quite close bond we had as he proudly then pointed to his log book and said, this was the ship, as they called their aircraft, that we were on during those missions.

But what I want to speak about is that wonderful passage in the book by Tom Wolf, ''The Right Stuff.'' In it, as he talks about aviators, he spoke about how they take off and they fly, and often, particularly as the 50s, 60s and 70s occurred, they would often find themselves, all of a sudden, at some critical moment, where through their skill, their determination they managed to pull themselves out of a dangerous situation at the last yawing moment.

But then Tom Wolf went on and he said that's not really the key to these men and women. He said, then they took off again the next day and did the same thing, and the next day and the next day, and every day after that, just like clawing up a pyramid, never knowing each time whether they would or would not be able to pull it out at the last crying moment. That, Tom Wolf said, is the right stuff.

So I rise in commemoration of the Air Force and in a very joint way who has done so much for the security of our Nation. Without a question, they have the right stuff.

Mr. TURNER. Mr. Speaker, I yield 2 minutes to Mr. LAMBORN from Colorado.

Mr. LAMBORN. Mr. Speaker, I rise today in support of the resolution and to honor the men and women of the United States Air Force who, today, celebrate 60 years of dedicated service. On a cold December day in 1903 in Kitty Hawk, North Carolina, the Wright brothers achieved the world's first powered flight which lasted merely 59 seconds. Today our Air Force possesses an extraordinary global reach and even beyond into space thanks to the men and women who have served or are serving in the Air Force.

Mr. Speaker, the United States Air Force has had a long and proud tradition of defending our Nation, as well as being a worldwide leader in aeronautical innovation. Since its early days, the Air Force has been in every military operation, from World War I to our present struggle in the global war on terror.

My father, who now is 88 years old, fought in World War II as part of what was then the Army Air Corps.

I am proud to have the Air Force Academy, Schriever Air Force Base and Peterson Air Force Base all located in the 5th District of Colorado. Schriever Air Force Base is home to the 50th Space Wing, which is one of the world's best space command and control teams, delivering combat power from space for America and its allies. At Peterson Air Force Base, we have the 21st Space Wing, the Air Force's only organization providing missile warning and space control to commanders and combat forces worldwide.

Finally, Colorado Springs has the highly regarded United States Air Force Academy, whose mission is to educate, train and inspire men and women to become officers of character motivated to lead the United States Air Force in service to our Nation.

For the past 60 years, Mr. Speaker, the strength, preparedness, and innovative superior air power of the United States Air Force has helped ensure peace in the United States and throughout the world.

Mr. Speaker, I thank the United States Air Force today and its airmen and -women for 60 years of service to our great Nation.

Mr. SPRATT. Mr. Speaker, I have no requests at this time on this side. I therefore yield to the gentleman. If you need some of my time, I will gladly yield it.

Mr. TURNER. Mr. Speaker, I yield 2½ minutes to Mr. STEARNS of Florida.

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

Mr. STEARNS. Mr. Speaker, I rise in support of this resolution. And as a former Air Force officer and veteran and one of the co-founders of the House of Representatives Air Force Caucus, I know firsthand how the Air Force provides our Nation a unique military advantage, obviously, indispensable in war and peace, to know what is happening around the globe, to lend a hand with humanitarian assistance, to deter nations that would use aggression to bully their neighbors, and to defend our Nation when we are attacked and dealt a decisive blow to our foes.

But I bring to your attention, my colleagues, something that perhaps would not be talked about, that this supremacy could be threatened. And so I wish to, in this short amount of time talk about, although the Air Force has an overwhelming advantage right now, we are now at a point where a lot of the equipment is growing old.

Our Air Force flies the oldest aircraft that we have ever had to support, and they will be getting older and more costly to maintain if nothing is done to reverse this trend.

Both our B–52s, our KC–135s average 46 years old today. In 2030 they'll be 68 years old. Our A–10s average 26 years old today. In 2030 they'll be almost 50 years old. Though the Air Force is the youngest service, it has the most to lose in the fight against complacency.

Our Air Force is constantly in demand by combat commanders around the globe, but the size of our Air Force is the smallest it's ever been in decades. The Air Force had approximately 4,400 fighters in 1985. Today we have 2,500.

□ 1630

In 2030 it will have fewer than 1,400. Despite technological improvements, the Air Force cannot fulfill its global missions without sufficient force structure. Aircraft simply cannot be in two places at once, whether in Korea or Afghanistan or above New York City.

So for all of its immense accomplishments, the Air Force still faces formidable challenges as it enters the seventh year of the global war on terrorism. Losing our airpower edge is not a responsible option. We must ensure this does not happen.

In closing, let me leave you with the words of one of the Air Force founders, Five-Star General Hap Arnold. His words still ring true today and are especially poignant as we celebrate the 60th anniversary of the United States Air Force:

''Our Air Force belongs to those who come from ranks of labor, management, the farms, the stores, the professions, and colleges and legislative halls . . . Air power will always be the business of every American citizen.''

I rise today to honor and celebrate the 60th anniversary of the United States Air Force. The Air Force is the world's dominant source of air and space power. America can rightly claim to be the greatest military power—a power that affords us prosperity and security. This status is due in no small part to our overwhelming supremacy in air and space. However, what is most impressive is the integrity and dedication of the men and women of the Air Force who work hard everyday to ensure air supremacy.

The Air Force is the youngest of our Nation's military branches. It is able to adapt in time and space by changing position. The effects the Air Force can achieve through perspective, range and endurance are those no other military instrument can execute. Our Nation's ability to gain an advantage over our enemies by exploiting air and space is unsurpassed.

The overwhelming advantages afforded to our Nation by the Air Force can be lost through inattention to modernization or by under-funding force structure. We are now at a point, after 17 years of continuous combat—from Desert Storm, Bosnia and Kosovo to Iraq and Afghanistan today—where our Nation's continued superiority in air and space is at risk.

Our Air Force flies the oldest aircraft that we have ever had to support—and they will be getting older and more costly to maintain if nothing is done to reverse the trend. Both our B–52s and KC–135s average 46 years old today; in 2030, they will average 68 years old. Our A–10s average 26 years old today; in 2030, they will average 49 years old. Though the Air Force is the youngest service, it has the most to lose in the fight against complacency.

Our Air Force is constantly in demand by combatant commanders around the globe but the size of our Air Force is the smallest it has been in decades. The Air Force had approximately 4,400 fighters in 1985, today we have around 2,500, and in 2030 it will have fewer than 1,400. Despite technological improvements, the Air Force cannot fulfill its global missions without sufficient force structure—aircraft simply cannot be in two places at once, whether in Korea and Afghanistan or above New York City.

Never before has the Nation's ability to project military power depended so heavily on air and space capabilities. Whether it is the principal actor or a supporting force, the Air Force brings to the fight unsurpassed air, space, and cyberspace capabilities—adding strength, flexibility, and resilience to the joint force. In many cases, other U.S. military branches would not be able to carry out their missions without the Air Force.

Much has changed over the years. The Air Force is flying unmanned aircraft over Iraq and Afghanistan controlled by airmen from bases in the United States and other remote locations around the world. Moreover, investments in air and space technologies have produced precision that would have been unimaginable even 15 years ago. Accuracy of weapons is now measured in mere feet from the target.

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

Mr. TURNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my colleagues from Ohio and South Carolina.

I rise today to recognize the 60th anniversary of the United States Air Force as an independent military service and to support House Concurrent Resolution 207, a bill which acknowledges and commemorates this significant milestone in our country's history.

From the days the sky was ruled by such pioneers of aviation as Eddie Rickenbacker and Hap Arnold, the United States Air Force has continued its commitment to fielding a world-class Air Force by recruiting, training, and educating its active duty, Air National Guard, Air Force Reserve, and civilian personnel.

Over the past 60 years, the United States Air Force has repeatedly proved its value to the Nation by fulfilling its critical role in national defense and protecting liberty and humanity throughout the world.

On September 11, 2001, the United States Air Force fighters took to the skies to fly combat patrols over major U.S. cities to protect our loved ones

from further attack. Today, United States airmen continue their great service around the world to defend our liberties and freedoms in the global war on terror.

Mr. Speaker, I am proud to represent Goodfellow Air Force Base in San Angelo, Texas, a facility that's dedicated to training of intelligence specialists and firefighters. I'm proud to represent the folks who used to serve there, who serve there today, and who will serve this great Nation tomorrow.

Mr. Speaker, I encourage my colleagues to join with me and others in celebrating this anniversary by supporting this resolution.

Mr. TURNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas.

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today to offer my sincerest birthday wishes to an American institution that has helped provide freedom and liberty for all of us that we enjoy today, and that is the Department of Air Force.

It was 60 years ago, following the passage of the National Security Act of 1947, that W. Stuart Symington was sworn in as the Nation's first Secretary of the Air Force, chosen to lead an organization finally given its rightful place in the brand new Department of Defense. The Air Force has gone on to become one of the steadfast defenders on high, enabling us to live in relative peace and tranquility knowing that they are always there literally keeping a watchful eye on our Nation.

Since its inception, the Department of the Air Force has been a global leader in perfecting and applying cutting-edge research and development. Whether it was the transition from the propeller to jet engines to the use of computer-aided weaponry incorporating satellite technology to today's use of unmanned aerial vehicles taking soldiers, marines, sailors, and airmen off the battlefield, the Air Force has always been the leader in the ''Revolution in Military Affairs.''

Whether it's patrolling the desert skies during Operation Northern Watch or deterring looming Iraqi aggression during Operation Vigilant Warrior, both in the 1990s, the men and women of the Air Force are constantly reminded that peace is not always peaceful.

Providing a multitude of services to their fellow warriors on the ground, along with dominating the skies against our enemies, they have played a critical role in not only defending America's interests abroad but being ambassadors of goodwill.

Just ask the airmen who sit on constant alert in the Central Command ready to deliver relief aid, as they did last summer during the conflict between Lebanon and Israel, delivering more than 10 tons of food and supplies to the region. Foreign citizens and Americans alike were once again blessed by the humanitarian spirit of the Air Force.

Today I rise not just as a proud American but as a Member of Congress who is blessed with the good fortune of representing the brave men and women of the 7th Bomb Wing and the mighty C–130 Hercules of the 317th Airlift Group at Dyess Air Force Base. Just last week I met with several of them before they deployed overseas, and I was swept away by their overwhelming courage and resounding spirit. Americans know that when airmen put on their flight suits, they are not just putting it on for themselves but for all Americans. They do it for others and they continue to do it so we can all live freely.

In the relatively short time the Air Force has been in existence, its contributions to America's security have been historic. America owes the United States Air Force a debt of gratitude for all that they have given us and will continue to give us, without fear or hesitation. They are always the backbone of our projected forces.

I wish them a very happy 60th birthday and best wishes for another successful 60 years.

Mr. SPRATT. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, when the Wright brothers first accomplished flight, when they stretched out the wings of their airplane and began to fly and then returned to continue their work at Huffman Prairie in Dayton, Ohio, which later became Wright-Patterson Air Force Base, they could not have known the importance of their invention to preserving our freedoms and to preserving liberty. But they could imagine the bravery of the pilots that were to follow.

With this resolution, we honor the men and women who have served in the United States Air Force.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in strong support of H. Con. Res. 207, a resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

I am honored that Edwards Air Force Base, home of the Air Force Flight Test Center, is located in my district, the 22nd District of California. I rise today to honor the men and women of the United States Air Force, especially those who have spent part or all of their careers in the pursuit of cutting edge flight technology at Edwards.

The USAF was ''born'' in 1947, but as we all know, our military's efforts to explore air power began in the early part of the 20th century with the Wright Military Flyer. The area now known as Edwards joined the effort in 1933, when LTC Henry H. ''Hap'' Arnold of the Army Air Corps selected a site on the edge of Rogers Dry Lake for a bombing and gunnery range at a place called Muroc, a reversal of the last name of the Corum family, which had settled in the area in 1910.

After World War II, Muroc Army Air Field was alive with activity on the X-plane programs, resulting in great successes such as the Bell X–1, which broke the sound barrier on October 14, 1947, with Chuck Yeager at the controls. The base was renamed in 1949 after CPT Glen Edwards, who died in a crash of the YB–49, and the Air Force Flight Test Center was activated in 1951, the same year that the Air Force moved its test pilot school to Edwards. In the 1960s, the X–15 broke record after record for speed and altitude. Over the years, the Flight Test Center has tested and supported the development of virtually every aircraft system that has entered the Air Force inventory and has been involved in more major milestones in flight than any other comparable organization in the world. It has been on the cutting edge of every major development that has transformed the field of flight, from the first American jet plane to the current system-of-systems revolution.

It is a pleasure to recognize and honor the hard work of the men and women of our United States Air Force on their 60th anniversary, although each day we should remember those who sacrifice in defense of our country. As the Air Force moves forward from its 60th year, we can look to the motto of the Air Force Flight Test Test Center—''Ad Inexplorat . . . Toward the Unexplored.''

Mr. TERRY. Mr. Speaker, I want to express my support for this resolution recognizing the 60th Anniversary of the U.S. Air Force as an independent military service.

Offutt Air Force Base is home to the 55th Wing, the Fightin' Fifty-Fifth. Offutt's diverse missions and global responsibilities put it on the cutting edge of the new U.S. Air Force. There are approximately 12,000 military and Federal employees representing all branches of the military that serve on or near Offutt AFB, which is located near the Missouri River just south of Omaha and is a major presence in my congressional district.

Offut is also the home of STRATCOM, the global integrated force that is charged with the missions of space operations; information operations; integrated missile defense; global command and control; intelligence, surveillance and reconnaissance; global strike; and strategic deterrence.

Mr. Speaker, the Fifty-Fifth Wing operates a variety of aircraft to conduct operations from Offutt AFB, Nebraska; Kadena AB, Japan; RAF Mildenhall, United Kingdom; Souda Bay Naval Support Activity, Crete; and other locations around the world. It is the largest wing in Air Combat Command and the second largest in the Air Force.

Air Combat Command is the principal provider of combat airpower that supports America's global national security strategy. It operates fighter, bomber, reconnaissance, battle-management and electronic-combat aircraft. It also provides command, control, communications, intelligence systems, and information operations in support of the war on terror in Iraq and Afghanistan.

Mr. Speaker, as the U.S. Air Force celebrates its 60th Anniversary, I want to join my colleagues in recognizing the many contributions it has made to the defense of our Nation.

Mrs. TAUSCHER. Mr. Speaker, I am proud to be a cosponsor of H. Con. Res. 207—Recognizing the 60th Anniversary of the U.S. Air Force.

I am honored to represent the men, women, and families that make up Travis Air Force

Base in Fairfield, California. They are the service men and women who represent ''The Gateway to the West,'' and oversee more cargo and passenger traffic on its runways than any other military air terminal in the United States.

To me, they represent what is best about our Air Force and its proud history. Travis airmen are constantly being called upon to provide critical service to our Nation. Along with their Air Force colleagues across the globe they continue to play a vital role in the global war on terror as well as Operations Iraqi Freedom and Enduring Freedom.

Not only do they put their lives on the line in military missions whenever called upon, but the men and women of Travis have provided humanitarian relief across the globe as recently as the Indonesian tsunami and right here at home in response to the hurricane Katrina disaster.

The service members of Travis carry out their missions and protect the homeland because they have the right airlift platforms—the C–5s and the C–17s—to do their job.

This year, I was able to secure $10.8 million for the Global Support Squadron Facility at Travis Air Force Base in the fiscal year 2008 Military Construction Appropriations bill.

This project would provide a cutting edge operations facility to house approximately 130 personnel necessary for the first Global Support Squadron Facility on the West Coast.

It would enhance readiness through specialized design features for command and control, training and deployment preparation, not available in current facilities. GSS is critical to the Air Force's ability to rapidly deploy U.S. military forces and initiate operations in minimal time at any base or location around the globe.

The 60th Air Mobility Wing at Travis is the largest air mobility organization in the Air Force with a versatile all-jet fleet of C–5 Galaxy, C–17 Globemaster III cargo aircraft, and KC–10 Extender refueling aircraft. It handles more cargo and passengers than any other military air terminal in the United States.

Travis is the West Coast terminal for aeromedical evacuation aircraft returning sick or injured patients from the Pacific area. The 60th Air Mobility Wing crews can fly support missions anywhere in the world to fulfill its motto of being ''America's First Choice'' for providing true global reach.

I am proud to join my colleagues in commending the Air Force and its achievements.

Mr. SMITH of Washington. Mr. Speaker, since the United States Air Force was established as an independent branch of the U.S. Armed Forces in 1947, it has played a major role in our national defense. Throughout its 60 years of valiant service, from Operation Rolling Thunder over the skies of Southeast Asia, to Operations Northern and Southern Watch in Iraq, the men and women of the United States Air Force and Air National Guard have defended the United States and our allies around the world.

Since 1947, the men and women stationed at McChord Air Force Base in Washington state have played a key role in supporting the mission of the Air Force, and I want to acknowledge their outstanding service.

''Team McChord,'' which includes the 62nd Airlift Wing, and its Air Force Reserve components in the 446th Airlift Wing, has flown continuous combat airlift operations every day since October 2001. These operations provide vital airlift and medical evacuation support to our forces as they fight to stop the spread of terrorism and as they respond to other contingencies. In addition to being the home of combat airlift, ''Team McChord'' includes the Western Air Defense Sector, the 22nd Special Tactics Squadron, and the 262nd Information Warfare Aggressor Squadron. Together, day in and day out, these brave men and women actively support vital military operations around the world.

Today, we recognize the continued dedication of the United States Air Force. I congratulate them on 60 years of invaluable service to our county.

Mr. LINDER. Mr. Speaker, today, I want to pay tribute to the United States Air Force, on the occasion of its sixtieth anniversary. This special day provides us with an important opportunity to recognize and honor the men and women who have made our Nation's Air Force the greatest air power in the world. As a former Captain in the U.S. Air Force myself, I shared a willingness to protect and defend the United States of America with all my fellow airmen and airwomen.

On September 18, 1947, the National Security Act of 1947 was enacted, and the U.S. Air Force was officially formed. Although it is the newest unit of the four military branches, the U.S. Air Force has rapidly evolved into a segment of our armed services that embodies the fundamental core values and aptitude of our Nation's military foundation.

In the fifth century B.C., Chinese military theorist Sun Tzu said that the ''The art of employing troops is that when the enemy occupies high ground, do not confront him.'' Drawing on the teachings of Sun Tzu and nineteenth century military historian and theorist Carl von Clausewitz, military leaders over the past 200 years have sought to perfect their craft in warfare. Until the 20th century, however, the might of a country's military forces was still incomplete. While nation-states throughout the world had successfully developed their ground and sea forces, it was not until the advent of aircraft that the nature of warfare would be altered dramatically and permanently, thus finally permitting our armed services to confront the enemy on high ground.

Still, it took time to develop the technology and practice of air power so that it matched its theoretical potential. Even though the technology for capable air power existed for the U.S. Air Force during the Vietnam and Korean wars, the United States had not developed the capability of air power thoroughly enough to derive full benefit from its use until the Gulf War.

Retired U.S. Air Force Colonel John Warden, the initial architect of the gulf war's air campaign, ''Instant Thunder,'' once theorized that the most important effect that air power would have in war would be its ability to destabilize the will and morale of the enemy's military leadership. The use of American air power in the gulf war and Operation Iraqi Freedom successfully proved Colonel Warden's theory true.

The U.S. Air Force is unmatched in its technological prowess, providing air and space superiority on demand, and playing an important role in America's nuclear deterrence. The U.S. Air Force is revolutionary in that it is an expeditionary air force: It gets our ground forces to the fight, and gets our air power in the fight. Our Nation's Air Force has essentially provided our ground and naval forces with the tools necessary to successfully fight asymmetrical warfare by turning the landscape into a symmetrical one.

The Great Narrative of the next 25 years will be the contest between globalization and parochialism. As communications and technology continue to flatten the world, the connected first-world nations will benefit and their vested interest in the global order's continued smooth functioning will encourage political stability and economic development. Those nations left behind will see globalization as a hostile force and may fight against it. It is those same countries that also tend to serve as fertile breeding grounds for radical ideologies. The challenge ahead lies in folding these countries into the new global order.

The battle we face today in the global war on terror is the same battle we will face tomorrow, and it is a war we will continue to fight throughout our lifetime. In some ways, this war is not unlike the cold war between the U.S. and the Soviet Union; a monumental surgical strike will not immediately and forever decimate the enemy. This war will take time, and will require the prolonged use of a clear, inclusive, and engaging national military strategy.

Currently, our armed services continue to focus on ''muddy boots'' requirements in Iraq and Afghanistan. We must remember that this would not be possible without the work of our Nation's Air force. In the initial stages of Operation Iraqi Freedom, the U.S. Air Force paved the way for our men and women on the ground so that they could conduct military to-military training, counter-drug, counter-terrorist, and homeland defense missions in Operation Enduring Freedom.

It is my hope that as we celebrate the sixtieth birthday of the United States Air Force, we will be reminded of the tremendous sacrifices that our Air Force personnel and their families have made throughout the history of air power so that we may all continue to enjoy and pursue the opportunities afforded us by their significant role in protecting our democratic values. We must encourage innovation in the field, and I will do my part to ensure that our Air Force will be ready to meet the future with the tools they need to capitalize on new technologies, to maximize transport of equipment and military personnel, and to provide our boots on the ground with the landscape necessary to continue to deter, prevent, and punish acts of terrorism and piracy in the U.S. and around the world.

Mr. EVERETT. Mr. Speaker, I rise today in support of House Concurrent Resolution 207 recognizing the 60th anniversary of the United States Air Force. Sixty years ago today, the National Security Act of 1947 established what we know as the premiere Air Force in the world. Since that time, thousands of airmen have served our Nation with pride and honor, and I am proud to recognize their service today.

The mission of the U.S. Air Force is to deliver sovereign options for the defense of the United States of America and its global interests—to fly and fight in air, space, and cyberspace. Air Force aircraft, tankers, and cargo planes play key roles in nearly every combat operation our Nation undertakes. Additionally, their capabilities in space have become critical to air, land, and sea combat operations and are a benefit to our entire Nation.

For the past 60 years, Air Force aircraft, missiles, and satellites have kept our Nation safe. While the many technologies and advancements have certainly contributed to our national defense, it is the most prized resource of the Air Force—its airmen—that truly make a difference for our Nation and the world. As a member of the Air Force Caucus, I am pleased to recognize the service of both current and former Air Force personnel on this 60th anniversary.

As we consider this resolution, our Nation's airmen are serving in every corner of the world, including many in Alabama's Second Congressional District. I am proud to represent Maxwell-Gunter Air Force Base, home of Air University, along with the 42nd Air Base Wing, the Operations and Sustainment Support Group, the 908th Airlift Wing, the 754th Electronic Systems Group, the Air Force Logistics Management Agency, and the newest squadron in the Air Force, the 100th Fighter Squadron. The 100th Fighter Squadron is special because it was the squadron of the famed Tuskegee Airmen during World War II, and I am pleased that this squadron will call Montgomery home.

Air University is a major component of Air Education and Training Command and is the Air Force's center for professional military education. Air University provides the full spectrum of Air Force education, from pre-commissioning to the highest levels of professional military education, including degree granting and professional continuing education for officers, enlisted and civilian personnel throughout their careers.

Air University's Professional Military Education programs educate airmen on the capabilities of air and space power and its role in national security. These programs focus on the knowledge and abilities needed to develop, employ, command, and support air and space power at the highest levels. Additionally, Air University conducts research in air and space power, education, leadership, and management and contributes to the development and testing of Air Force doctrine, concepts and strategy.

This year the Air Force also celebrates the 25th birthday of Air Force Space Command. As Ranking Member of the House Armed Services Strategic Forces Subcommittee, I am privileged to work with some of the finest in the Air Force on a set of programs that I believe will only become more important to our future security. Our world is becoming increasingly dependent on assets and platforms in space, and America's Air Force is meeting the challenges of the 21st Century security environment.

During the cold war, Air Force U–2 reconnaissance aircraft kept us safe by keeping watch on the Soviets. I am proud to note that I served as an Intelligence Analyst supporting this platform from 1955–1959 in West Germany. These aircraft performed a number of critically important missions and made a vital contribution to our National defense.

Air and missile crews manning nuclear bombers and ICBMs provided our Nation with a powerful strategic deterrent. These capabilities were a major component of our ''Peace Through Strength'' policy that enabled the United States to win the cold war, and I think it is appropriate for Congress to recognize the dedicated service of countless numbers of airmen who protected our Nation during this time.

As the Air Force ushers in its next 60 years, we can be assured it will be postured to meet new challenges in air, space, and cyberspace. As a member of the Air Force Caucus, I am proud to provide for the needs of current and future force. Although the service is the youngest of the branches of our Armed Forces, there is no question that the Air Force has made, is making, and will continue to make an extraordinary contribution to our nation's defense.

As a nation, we are indebted to the Air Force for its commitment and sacrifice. I congratulate Secretary Wynne, General Moseley, and the entire Air Force team for 60 years of dedicated service and defense of our freedom.

Mr. KINGSTON. Mr. Speaker, 60 years ago President Harry Truman, through the National Security Act of 1947, created the United States Air Force and ended a 40-year association with the U.S. Army. This move signaled the dawning of a new age and placed airpower in its proper place as a vital element of our Nation's defense.

Airpower had proven its worth to President Truman and many others over those 40 years. From Military Air Balloon success in World War I, to Billy Mitchell's airpower demonstration off Virginia's coast, to the Doolittle Raids and the devastating bombing raids in World War II, airpower allowed our military commanders to fight for and defend our Nation as never before.

Creating a separate Air Force allowed our brave service men and women to fully concentrate on honing the skills and pushing the ever-expanding envelope of airpower.

In Georgia today, we have Air National Guard and/or Air Force Reserve units at Dobbins Air Reserve Base, Robins Air Force Base, Savannah, Macon and Brunswick as well as active-duty units at Moody Air Force Base.

And whether it is C–130s from the 165th Airlift Wing or men and women from the 117th Air Control Squadron which just won the 2007 Outstanding Air Control Squadron award from the National Guard Association of the United States, each of Georgia's units and the outstanding men and women who serve in them contribute around the world fighting the Global War on Terrorism. They also provide a formidable force in the face of disaster here at home, as was seen in the aftermath of Hurricane Katrina when rescue helicopters from Moody teamed up with other Air Force rescue units to save more than 4,300 people from the disastrous and deadly storm.

Dobbins, Robins and Moody can all trace their beginnings to the Army and the 1940–1941 timeframe when the War Department was making preparations in case the United States went to war—which came to fruition on December 7, 1941 when the Japanese declared War on the United States and attacked Pearl Harbor.

Dobbins began as Rickenbacker Field, but was re-named in 1950 in honor of Captain Charles M. Dobbins of Marietta, whose airplane was shot down during the war near Sicily.

Robins is named after Brigadier General Augustine Warner Robins, one of the Army Air Corps' first General Staff Officers. The Warner Robins Air Logistic Center which preceded the base is also named after the General.

Moody is named after MAJ George Putnam Moody, an early Air Force pioneer killed in May 1941 while serving with the Beech Aircraft Company in Wichita, Kan. At the time of his death, the major was working on the inspection board for AT–10 transitional trainers which were later sent to Moody.

While each base has a rich history, Moody began a new chapter in its history just recently when the 23rd Fighter Group relocated to Moody and began flying A–10 missions in the skies over Valdosta.

The 23rd Fighter Group also known as the ''Flying Tigers'' was formed under the command of General Claire Chennault and was part of his China Air Task Force, taking over the mission of the disbanded American volunteer group ''Flying Tigers.'' Several of the original Flying Tigers flew with the 23rd Fighter Group in the China-Burma-India Theater, passing on their knowledge and experience.

Like Mitchell before him, Chennault was another early pioneer and controversial figure who made today's Air Force possible. He argued vehemently for the fighter plane in the 1930s—a time when the rise of the bomber aircraft had consumed the Air Corps experts and were the focus for their tactics.

In fact, it was his continued belief and passionate advocacy for the fighter that led to his isolation at the famed Air Tactical School and eventually drove him to become an advisor in China and the rest as we say is history.

Today we mark the Air Force's 60th birthday in order to reflect on its heroes of the past, and more importantly, to recognize the courage and sacrifice our airmen and their families make each and every day for our freedom. Quite simply, I salute you.

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

Mr. SPRATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SARBANES). The question is on the motion offered by the gentleman from South Carolina (Mr. SPRATT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 207.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation, H. Con. Res. 207.

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

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.

DREAM ACT—BAD DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, there are some in Congress who have gone to sleep and blissfully are dreaming of ways to get more illegals benefits that American taxpayers are going to have to pay for.

It's called the DREAM Act, or specifically the Development, Relief, and Education for Alien Minors Act. You notice that word ''alien.'' It only applies to aliens illegally in the United States, not to American citizens and not to foreign nationals who are here legally. It's a bill to give preference to illegals in our public universities.

Here's how it works under normal circumstances: Most States require that if you are not a resident of their State, you pay out-of-State tuition to go to their public universities. For example, if you are from New Jersey or from India and you go to school at Texas University, you pay out-of-State tuition because you are not from Texas. Most public universities have this rule.

The DREAM Act, however, will do something differently. It applies only to folks who are illegally in the country and who can attest that they came before they were the age of 16. If so, this person will be able to get a green card, later to get a permanent residence card, and then after that get a green card for the parents of this illegal who brought this child into the United States illegally in the first place.

It gives priorities to illegals over American citizens and foreign nationals who are legally in the country. It discriminates against Americans. It discriminates against foreign students because it only applies to illegals who are here so that they can go to our public universities and pay in-State tuition because if you are from some other State or some foreign nation and legally in the country, you pay out-of-State tuition, which, of course, is more.

It seems to me this violates the equal protection clause of the 14th amendment. It treats illegals who are violating the law by being here in the United States already better than Americans.

Mr. Speaker, as college costs continue to soar, most Americans who have kids that go to college have to foot that bill. I just had my four children finish college not too long ago and just paid off the last college loan. I have one daughter who is still paying on her college loan after she received her doctorate degree.

There are many Americans who will not be able to go to college because it now costs too much for them to go. But the dreamers want it to cost even more because they want us to subsidize illegals so they can go to school with in-State tuition.

This silly law goes further. It repeals a law that this body signed into law in 1996. In 1996, the legislation was enacted by Congress, started in this House, stating that States cannot give preference to illegals and let them pay in-State tuition unless those same States treat foreign nationals who are legally in the country and out-of-State students, students from other States, the same way. The law applied saying you have to treat everybody equally and you have to treat Americans the same as illegals if you let them go to your university with in-State tuition.

In spite of this 1996 law, there are 10 States who defy this law and have ignored the law and have allowed in-State tuition for illegals. Those 10 States: California; unfortunately, my home State of Texas; Illinois; Oklahoma; Utah; Washington; New Mexico; Kansas; Nebraska; and New York. You see, these 10 States violate Federal law because they already allow in-State tuition for illegals that are in their State.

This is called ''nullification.'' That's a legal term, Mr. Speaker, which means that a State ignores or passes legislation contrary to Federal law. Nullification is not a new concept. It started over 150 years ago when several southern States decided they could nullify Federal laws that they didn't like.

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And so one reason for the Great War between the States was because of the nullification concept where States voted laws that were contrary to Federal law.

So this DREAM Act will legalize the conduct of these 10 States. It will then give amnesty and in-state tuition to illegals in this country at the detriment of American students and legal foreign students. Mr. Speaker, this ought not to be. Americans should not have to pay the cost for the education of illegals in this country. And illegals that come to this country and get in our universities should not get to pay less than Americans who live in other States.

And that's just the way it is.

''GREENSPAN''

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the former Fed Chairman, Alan Greenspan, has recently released his memoir for the years of his time in public service. And it comes as a surprise to many that President Bush and the Republicans in Congress do not fair particularly well.

Reuters said the Fed chairman, Mr. Greenspan, in his book, ''sharply criticizes the President, President Bush's administration and Republican congressional leaders for putting political imperatives ahead of sound economic policies.'' The New York Times said of Mr. Greenspan's book: ''The Bush administration was so captive to its own political operation that it paid little attention to fiscal discipline.''

And the irony here is that when President Bush took office and the Republicans had control of the House and the Senate, they were left with $5 trillion in surplus. And in a short period of time, they've added $3 trillion to the Nation's debt; $3 trillion, the fastest accumulation of debt and greatest amount of debt in the shortest period of time in American history.

Now, this is what he goes on to say about this administration, which I find almost intriguing, and also about the Republicans. He looked forward, he says, to working with this administration because at least he worked, as he said, with some of the best and brightest of this administration. And he shared memorable experiences with DICK CHENEY, Don Rumsfeld, among others. And on a personal basis, that is how it worked. But on policy matters, I was soon to see my old friends veer off in unexpected directions.

He was disappointed, he says, from the start. Mr. Greenspan notes that ''little value was placed on rigorous economic policy debate or weighing the long-term consequences.'' He says that in George W. Bush's White House, the political operation was far more dominant.

Now, I will mention, since it's only fair, that he is quite complimentary of what President Clinton and the Democrats did in the 1990s of basically a pay-as-you-go process, weighing long-term economic consequences to their decisions, and always putting America's long-term economic consequences before political considerations. And he praises what was then the fiscal discipline that was adopted in the 1990s that led to unprecedented economic growth.

Now, Mr. Greenspan does not put all the burden of the $3 trillion of debt on President Bush. He puts that burden also on the Republicans in Congress for what they did in conjunction with this President. And, again, let me read from his book. Greenspan says that ''for many of the Republican Party leaders, altering the electoral process to create permanent Republican-led government became a major goal. House Speaker HASTERT and House Majority Leader Tom Delay seemed readily inclined to loosen the Federal purse strings any time it might help add a few more seats to the Republican majority.''

Alan Greenspan notes that the Republicans led an earmark explosion and says Congress was too busy feeding at the trough. In the end, Mr. Greenspan says again, ''The Republican Congress lost their way. They swapped principle for power. They ended up with neither.'' Mr. Greenspan praises the pay-as-you-go spending rules and the fiscal disciplines of the 1990s that resulted in the surplus I just mentioned.

That is exactly what this new Congress has done is adopt the pay-as-you-go rules, the fiscal discipline that put us on a path to again putting our fiscal house in order and in balance with our priorities as we go.

But Mr. Greenspan's book, I don't think any time soon will be on the best seller list or talked about in Republican clubs or Republican book circles, lays bare what a number of us have been saying about this administration and the Republican Congress, that they, or as JOHN MCCAIN quotes, ''spend like a bunch of drunken sailors.'' And they have now left America stranded with mountains of debt.

The one thing that we can say about President Bush and the Republican Congress when it comes to the economy and the fiscal mess that they've left is that we will forever be in their debt. That is one thing that you can always say. But I find it most intriguing that Greenspan, who is a life-long Republican and served and worked with President Reagan, President Bush, President Clinton, President Bush, and President Ford, saw that this administration and this Republican Congress and cohorts, when they worked together for 6 years, left this country in a worse fiscal shape than the one they inherited. And all of us will be judged in our public life for the country we inherited and the country we left behind. And what we got left behind is nothing but a fiscal mess that those of us who have taken the tough votes and the tough decisions put America's long-term economic interests at the center of our economic policy.

IN SUPPORT OF ONSLOW VIETNAM VETERANS MEMORIAL FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in support of an important effort to honor our Nation's Vietnam veterans.

The Onslow County Vietnam Veterans Memorial Foundation in Jacksonville, North Carolina, is a nonprofit organization that was established by veterans and supporters in 1998. It was created to raise funds for the construction of a memorial to honor the brave men and women from all branches of the Armed Forces who served their country in Vietnam.

More than 9 million veterans of the Armed Forces served on active duty from August 5, 1964 to May 7, 1975. Of the 3 million men and women who served in the Vietnam theater, 300,000 were wounded and more than 58,000 were killed. The Veterans Administration estimates that nearly 200 of the surviving Vietnam veterans die each and every day.

Today, nearly 10 years after its formation, the goal of the Onslow Vietnam Veterans Memorial Foundation is on the verge of becoming a reality. On the grounds of Marine Corps base Camp Lejeune, land has been acquired adjacent to the Beirut memorial, and the first phase of construction is expected to begin later this year.

The design of the memorial consists of a gazebo over a reflecting pool and fountain encircled by a glass wall inscribed with the names of all those who made the ultimate sacrifice for our Nation. Hidden within a dark gray granite base, lights will gently illuminate the engraved names on the curved glass memorial.

Once completed, the memorial will enhance the Beirut memorial and any further memorials built within the Lejeune Memorial Garden. By creating an environment where relatives and the general public can come to remember and reflect on the men and women who gave their lives in Vietnam, this memorial will attract thousands of visitors to Onslow County each year.

The Onslow Vietnam Veterans Memorial Foundation has raised and collected about $1.2 million toward the $5 million estimated cost of the memorial. In support of this worthy project, Mr. Kenji Horn and others who believe in this memorial have organized a fund-raising motorcycle run in Jacksonville, North Carolina, on Saturday, September 22 of this year. It is open to everyone, and all types of motorcycles are welcome. Registrations have come in from Florida, Pennsylvania, South Carolina, Kentucky, and other States around the country; and more than 1,500 motorcycles are expected to participate.

Mr. Speaker, in today's world, we all are aware of the debt of this Nation, and we understand the reality that most worthwhile projects must be funded by the private sector. So it is my hope, Mr. Speaker, that people from around this Nation will be interested in learning more about the Onslow Vietnam Veterans Memorial Foundation. Our Vietnam veterans have earned this honor.

And I close, Mr. Speaker, by saying, please God, continue to bless our men and women in uniform, and please, God, continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A BIPARTISAN WAY AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, there is a bipartisan ''way ahead'' in Iraq if viewed in terms of progress for America's security and not solely Iraq's, with a strategy that focuses on our natural interests in this conflict, not just the interests of Iraqis.

Our troops have served our country courageously and brilliantly, but our engagement in Iraq has degraded our security, pushing our Army to the breaking point so that it cannot confront other pressing security concerns at home and abroad. My military service as a 3-star admiral, having led an aircraft carrier battle group in combat operations in Afghanistan and Iraq and served as Director of the Navy's anti-terrorism unit, convinces me that an inconclusive, open-ended involvement in Iraq is not in our security interests.

Ending this war is necessary, but how we end it is of even greater importance both for our security and our troops' safety. These two considerations, our security and our troops' safety, are the dual catalysts for a bipartisan discussion to end this war.

First, America's security. Our Army will rapidly unravel if redeployment from Iraq does not begin before spring, 2008. Today, 40 percent of all U.S. Army equipment is in Iraq. There is no Army unit now at home in a state of readiness able to deploy anywhere another contingency might occur in the world.

Second, the safety of our troops. Redeployment from Iraq will be lengthy. Moving 160,000 troops and 50,000 civilians and closing bases are logistically challenging, especially in conflict. To ensure our troops' safety, it will take at least a year, probably 15 to 24 months. The ''long pole in the tent'' is the closure or turnover of 65 forward operating bases. Conservatively, it takes 100 days to close one forward operating base. It will be important to balance how many to close at one time, with calculations about surrounding strife, and the fact that Kuwait's receiving facilities to clean and package vehicles for customs and shipment back to the United States can handle only two to 2½ brigade combat teams at a time, with the fact that there are currently 40 brigade combat team equivalents in Iraq today.

Redeployment is the most vulnerable of all military operations, particularly because this one will be down a single road leading from Iraq to Kuwait, ''Road Tampa.'' Such vulnerability is why, in 1993, after ''Black Hawk Down'' in Somalia, it took 6 months to extract our 6,300 troops safely and only then after inserting an additional 19,000 troops to protect their redeployment.

And what of Iraqi stability in the aftermath of our redeployment, which affects the region and, thus, our security? Because the redeployment of troops will take a long time, we can have a bipartisan approach to Iraq's security. To do this, we Democrats must turn from pure opposition to this war and an immediate withdrawal and begin to help author a comprehensive regional security plan that accepts the necessity for a deliberate redeployment.

In turn, the Republican leadership must accept that the U.S. Government

must also work diplomatically with Iran and Syria during this deliberate redeployment. While these two countries are currently involved destructively in this war, according to our intelligence community, these nations want stability in Iraq after our departure and, therefore, can play a constructive role.

I have consistently argued that a planned end to our military engagement is necessary and that such a date certain deadline would force Iraqi leaders to assume responsibility, providing Iran and Syria the incentive to prevent violence otherwise caused by our departure.

Our troops could either return home or deploy to regions such as Afghanistan, where terrorists pose a threat to our security, while others remain at our existing bases in Kuwait, Bahrain, the United Arab Emirates, Qatar, and on aircraft carrier and amphibious groups to ensure our interests in the region as we did prior to invading Iraq.

Because our Army must either start a lengthy redeployment or risk unraveling, we have the catalyst for a bipartisan agreement to end this war with a stable Iraq if we also work with Iran and Syria to meet this goal. However, this opportunity for a bipartisan congressional approach to convince the President to use diplomacy to bring about a stable accommodation in Iraq once our troops redeploy will undoubtedly require an initial redeployment deadline that is a ''goal'' instead of a ''date certain.'' Therefore, despite my continuing belief that a date certain is the best leverage we have to change Iraqis' and regional nations' behavior, when faced with the otherwise assured consequences of a bipartisan stalemate on resolving the tragic misadventure in Iraq, this compromise is needed for America's security.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1700

WE MOURN THE PASSING OF SHEIK SATTAR BUZAIGH AL RISHAWI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, scripture tells us to mourn with those who mourn and to grieve with those who grieve. I rise today to join our allies and his family and neighbors and friends to grieve the passing by assassination last week of a courageous Iraqi in Anbar province, Sheik Abdul Sattar Buzaigh al Rishawi, a man 37 years of age that I had the privilege of meeting this last April when I visited Falluja in Ramadi.

It was there that I learned from General Odierno, as well, in our nearly 1-hour meeting with Sheik Sattar about how what has come to be known, Mr. Speaker, globally as the Anbar Awakening was born. You see, it was this Iraqi sheik, whose father had been killed by al Qaeda in Iraq, his three brothers had been murdered by al Qaeda, who said sometime in late 2006, ''I have had enough.'' What the general told me, and the Sheik affirmed, as he came across the river in Ramadi, sat down with the Marines perhaps in the same room where we are pictured here, and said, ''How can we, as Sunni sheik leaders, work with you, American forces, and the Maliki government to rid Ramadi, to rid al Anbar of al Qaeda?''

It was the end of a bloody year in 2006, just a few months earlier that Ramadi was at the very center of what was called the Triangle of Death. According to National Intelligence Estimates, Ramadi was so far gone that it could not be reclaimed militarily. But Sheik Sattar stepped forward. He had a vision for driving terrorists from his community. As General Petraeus and Ambassador Crocker reported to Congress last week and independent organizations, like the Brookings Institution, a left-leaning think tank, have confirmed, because of the leadership of Sheik Sattar and over 42 other Iraqi sheiks that he recruited, Anbar province is transformed. The city of Ramadi is transformed. It has truly been a miraculous turnaround with the virtual elimination of al Qaeda in western Iraq being the result.

Iraqi military leaders say to the world media, ''We considered the sheik our first line of defense.'' President Bush just 10 days ago met with Sheik Sattar in Ramadi to celebrate the first anniversary of the Anbar Awakening. Of his passing, the interior ministry named a national police brigade after him. The leader of that ministry said, ''We will be building a great statue for Sheik Sattar Buzaigh al Rishawi at the entrance of Anbar province so it will be a witness to his great accomplishments and those of the people of Iraq.''

Amidst the thousands who gathered for his funeral on Friday in Ramadi, his brother would say, ''All of Anbar is Abu Risha, so Abu Risha has not been killed.'' He went on to say, ''I pledge to you, my father, my brother, my cousins, we will follow the road taken by Sheik Abdul Risha. We will follow it until we kill the last terrorist in Iraq.'' I was pleased to see that even this Sunday U.S. military forces took into custody a man believed to have been involved in his assassination.

We mourn with those who mourn. In my meeting with Sheik Sattar, he said a few things to me I will never forget. He said, ''Congressman PENCE, when you go home, tell your people that we in Anbar believe that an attack on an American is an attack on an Iraqi.'' He said, ''Anyone who points a weapon at an American is pointing a weapon at an Iraqi.'' He also looked at me, at age 37, wearing those flowing robes with a pinstripe suit underneath them, he looked at me, and he said through those warm brown eyes, he said, ''Anyone who tells you that Iraqis don't like Americans is lying to you.'' He said, ''Iraqis love Americans.'' And then he asked me, sitting at Camp Falluja and Ramadi, why we would even discuss permanently leaving Iraq.

He was a man of hope, a man of courage, a man of conviction. I mourn his loss as should every American and every freedom-loving citizen of the world mourn the passing of Sheik Sattar.

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.)

JENA SIX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I am very pleased to see that the Third Circuit Court of Appeals has tossed out the conviction of aggravated battery for 17-year-old Mychal Bell. I can no longer be silent about the ongoing struggle for justice for the six high school students in Jena, Louisiana, known as the Jena Six. These young boys, who were arrested after a racially charged school fight and charged with attempted murder following a noose hanging incident now face the prospect of losing much of their young lives to a tainted criminal justice system.

I have carefully reviewed all of the news accounts of the events surrounding this most troubling case. I have talked with the parents, and I have talked with the attorneys. I remain convinced that this case is a result of long-standing, deep-seated racial divisions in Jena, Louisiana.

It seems unreasonable that on a school campus the administration was unaware of the fact that white students had claimed the space under a tree and declared it off limits to black students. Even so, once the black students asked permission of the administration to sit under the tree and were granted permission to sit under the tree, the school should have recognized that a problem was brewing. The school should have initiated discussions surrounding the residual racial issues that existed in order to avoid a confrontation.

After the black students sat under the tree, it is reported that the white students responded by hanging three hangman's nooses in a tree. Given this country's history of racially motivated

violence, specifically lynchings, the black students were offended and threatened by the physical and emotional message sent by the nooses hanging in the tree. It seems unconscionable that this kind of Jim Crow era segregation, exclusion and emotional terrorism could be tolerated today.

There was tension on the campus and several fights took place. In one fight, a black student was beaten and the white student responsible was suspended. In another fight, a white student was beaten and the black students allegedly responsible were arrested and charged first with attempted murder and later charged with aggravated battery. These are serious criminal charges.

Let me be clear. I do not condone physical violence. I believe all of the students involved in the alleged fighting incidents should be held accountable by school officials. But school-age children all over this country get in fights every day and are appropriately disciplined by school administrators, whether it is a suspension or some other administrative punishment. Appropriate action is taken, and rarely do these incidents rise to the level of a criminal act. However, regardless of the charges and the unusually harsh approach that was taken by the district attorney, one young man, Mychal Bell, who is now still in jail, should never have been tried as an adult for this incident. That is why the Third Circuit Court of Appeals just ruled that that conviction must be tossed out and the other students should never have been incarcerated for the better part of a year awaiting their fate. This injustice cannot be swept under the rug and pacified simply by moving the case from the adult court.

The work here is not done. Along with Mychal Bell, there are five other students, Robert Bailey, Carwin Jones, Theodore Shaw, Jesse Beard and Bryant Ray Purvis, whose lives have been placed on hold awaiting their day in court.

I call on the district attorney to drop all charges against the Jena Six. The City of Jena must begin a reconciliation process which begins with the apology by and investigation of District Attorney Reed Walters for breach of ethics, false imprisonment and civil rights violations. His comments and actions have been both rogue and irresponsible and clearly demonstrate an agenda that is not in line with peace, justice or fairness.

Young people are traveling to Jena on Thursday led by Howard University students. They are coming from all over America to go to Jena, Louisiana to show support. These cases stand as the greatest civil rights challenges this Nation has faced in the 21st century. I will be traveling with them. I will be in Jena with the students. This is a new chapter in the civil rights movement led by young people to get America to do the right thing and to bring justice to Jena.

A TRIBUTE TO VICKI ANN SUMMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I want to pay tribute to Vicki Ann Summers, 59, of Pinehurst, North Carolina, who died on Monday, July 23, 2007, at her home. She was born February 19, 1948, in Stanly County to the late Rudy Lamar Summers and Margaret Ewing Lisk Summers. Vicki was a talented newspaper reporter with a long history in journalism who was most recently employed by The News-Journal in Hoke County. Throughout her career, she spent most of her time covering local government, but she also wrote human interest stories, covered the crime beat and was a photographer. She was recognized for her writings by the North Carolina Press Association.

Vicki grew up in Fayetteville and attended Pine Forest High School before graduating from the North Carolina School of the Arts, which she attended on a full scholarship. She later attended Miami-Dade Junior College in Florida and East Carolina University.

In early 1970, she was a director of public relations for Sheraton Hotels Corporation and the Fountain Bleu Resort in Miami Beach. Around the same time, she worked as a celebrity correspondent for the National Enquirer, as a lifestyle writer for the Miami News, and as a trends writer and garden editor for the Sun Sentinel in Fort Lauderdale. Before coming to the News-Journal, she worked for the Harnett County News in Lillington and the Erwin Times in Erwin, North Carolina.

Vicki was very diligent and really cared about her local community. She took great pride in reporting about the economic development of the county and downtown Raeford streets' redevelopment.

A memorial service was held on Monday, July 30, at 7 p.m. at Northwood Temple in Fayetteville. She is survived by her mother, Margaret Ewing Pope, of Fayetteville, three sisters, Carla S. Merritt and Jan Hernandez, both of Fayetteville, and Lydia Aldridge of Raleigh, and one brother, Eric Summers of Linden.

□ 1715

BLACKWATER'S OPERATING LICENSE IS REVOKED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the Government of Iraq today took the extraordinary step of revoking the operating license of Blackwater U.S.A. in light of accusations that Blackwater employees killed eight Iraqi civilians. Blackwater is a North Carolina-based firm providing private security forces inside Iraq.

This incident has caused another international uproar about the role of the United States in Iraq. Here at home, it is bringing long overdue attention to the role of the so-called contractors. Some call them mercenaries, as many of them are paid more than five times what our regular forces are paid.

The role of private contractors is an issue about which I have been ringing the alarm bell in this House and in the House Appropriations Defense Subcommittee for a long time.

Now the Government of Iraq has been compelled to pull the plug on Blackwater U.S.A. The company claims its employees were acting in self-defense. Many people in Iraq claim the company committed atrocities. Who knows the truth? Who has the authority to investigate? Where is the accountability when it comes to private contractors? How many such hired guns are operating in Iraq? Some say 25,000. Some say more. How many contractors totally are operating in Iraq? Some have estimated the number at 180,000, which is more than the U.S. military we have based in Iraq.

Here in Washington, Congress and the President are debating the proper troop levels for U.S. forces. But, meanwhile, there seem to be more and more contractors operating in Iraq. Due to the unpopularity of this war, I have little doubt that the Bush-Cheney plan is to replace our military forces with paid mercenaries. This would be the first time in U.S. history that our Nation will act as an occupying force by contracted mercenaries.

Indeed, the contracting out process of the U.S. military started in a small way back in the 1980s when Vice President CHENEY was Secretary of Defense. It expanded greatly under the first President Bush, and now it has exploded in this administration.

America, pay attention. Make no mistake: private contractors are also very much the face of the West in the Middle East. They might be accountable only to their bosses and shareholders, but they are Americans in the eyes of Iraqis. Blackwater's eviction from Iraq comes as no surprise to those of us who have followed the now well-established, usually irresponsible use of defense contractors as mercenary forces. In fact, I believe that you cannot win in an engagement through the use of mercenary forces.

Blackwater is not the only defense contracting firm operating irresponsibly in lieu of our well-trained and well-respected military. Unlike our government, the Iraqi Government seems to recognize this.

Today, The New York Times reported that the Iraqi Government said it would review the status of all foreign and local security companies working in Iraq. According to the Private Security Company Association of Iraq, the Iraqi Government has suspended the licenses of two other security companies, but they were reinstated after a review.

Problems with private contractors are not a new phenomenon. In December, a Blackwater employee killed one of the Iraqi Vice President's guards but was never charged under Iraqi or American law because private contractors enjoy immunity, thanks to a law imposed by the United States.

On July 12, 2005, I delivered a floor statement after Iraqis cheered the brutal death of four Blackwater contractors in Fallujah. I pointed out that those soldiers of fortune are not bound by the same values of duty and honor like those brave young men and women serving in our regular forces, and those contracted forces are paid astronomically more than our regular forces.

There aren't just problems in theater. There are problems right here in Washington, like the opaque and often unfair process of awarding no-bid contracts. In fact, Blackwater has won over $505 million in publicly identifiable contracts since 2000 and in 2003 was awarded a $21 million no-bid contract to guard the Director of the Office for Reconstruction and Humanitarian Assistance, Mr. Bremer. Why aren't our regular forces doing that?

I have raised questions before about these contractors and their behavior in Iraq and Afghanistan, but to no avail, in a Congress still not focused on upholding the great traditions of the U.S. military, and that means regular force, not mercenary force, not contracted force.

Mr. Speaker, the private contractors in Iraq all too often are rogue elephants, operating beyond the command and control system of our U.S. military. It is time to restore the time-heralded tradition of regular forces of this U.S. military, committed to duty, honor and country, not bounty.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN R. ''RANDY'' KUHL, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Colleen Banik, District Office Coordinator, Office of the Honorable John R. ''Randy'' Kuhl, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2007.

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

DEAR MADAM SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a trial subpoena for testimony in a criminal case issued by the Bath Village Court of Steuben County in the State of New York.

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

Sincerely,

COLLEEN BANIK,
District Office Coordinator

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a great opportunity it is to come back to the floor of the House as the designee of the minority leader, the Republican leader, and bring some issues hopefully into a little greater perspective.

We come here often and try to shed a little light as a group that we call the Official Truth Squad. The Official Truth Squad is a group that got started a little over 2 years ago, because, Mr. Speaker, as you well know, when folks tend to speak on the floor of the House, sometimes they exaggerate a little bit. I know that is hard to believe, but in fact that is the case. In fact, what we just heard, I would suggest, Mr. Speaker, is a bit of an exaggeration, and maybe a distortion of the facts.

What we would like to do tonight is to talk about a number of issues, primarily monetary issues, taxing and spending and those kinds of things. But before we get started, we want to bring a couple of issues together that have as their common core and their common theme truth.

Our desire is to try to bring into perspective some of those areas that oftentimes don't have the light of day given to them, if you will, Mr. Speaker. We have a favorite phrase or quote that we use in the Official Truth Squad, and it comes from a gentleman who was revered in this Capitol, and truly across this Nation, a former Senator from New York, Daniel Patrick Moynihan. He is quoted, and a number of folks have said something like this, but he has my favorite quote that crystallizes this issue, and that is that everyone is entitled to their opinion, but they are not entitled to their own facts. Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Before I begin and talk about some of the fiscal matters, the monetary matters, that we have confronting us in this Nation and that this Congress has already dealt with in ways that I think would benefit from a little light, and certainly issues that we will be dealing with further as we go on into this fall and winter, I want to talk about two very specific issues that have come to this Congress within the last week.

The first is something that the American people are well aware of, and that is that General Petraeus, who was the commanding officer of the coalition forces in Iraq, came last week after much fanfare in the media to present to Congress his perspective on what was going on in Iraq, and only in Iraq. Leading up to that, we had a remarkable display by Members of the other side of the aisle, the majority party, that did their best, their dead level best, to discredit this incredible hero and this incredible patriot and this incredible man of service to this Nation.

All the while you hear them say over and over and over, ''we support the troops.'' ''We don't like the war, but we support the troops.'' Well, nobody likes the war. But some people back up their statement that they indeed support the troops with action, and the action that occurred leading up to last week's presentation before a joint committee in the House and a committee in the Senate by General Petraeus, a true hero and a true patriot, the action that led up to that by Members of the majority party, the Democrat majority party, I found to be disconcerting. When I was home last week for our extended recess, folks at home found it to be disconcerting.

But then what we heard after a remarkable ad was taken out by a left-wing advocacy group that questioned the patriotism and that questioned the honor and that questioned the veracity of what General Petraeus was going to present to the committee, what we heard from the other side after that was remarkable silence, a remarkable silence.

So when you hear Members on the other side of the aisle, as we just did within the last 15 minutes, say, Mr. Speaker, I support the troops, but I don't support the mission, well, it is clear, Mr. Speaker, that you can't do that and be true to our men and women on the ground. You can't do that. Because what we heard after the ad that was put in The New York Times, at a discount rate, I might add, the ad that was put in The New York Times, when it questioned the honesty of one of our bravest heroes, military heroes, what we heard from the other side was virtually nothing, which put it all into perspective.

That is the truth that Senator Moynihan was talking about. You can have your opinion, but you can't have your own facts. And the fact of the matter is in that instance, when there was an attack on one of our leaders in the military, one of our heroes, when there was an attack, where were the Americans in the majority party, who represent the majority party? Where were they?

I know where their constituents were, because I represent many of them, and they were as disgusted as I with the actions of MoveOn.org. They were as disgusted as I with the remarkable, remarkable betrayal of the public trust that anybody in the public arena has. And it was distressing. I found it distressing and saddening that in fact we heard virtually nothing from folks on the other side of the aisle.

So that is a bit of truth that the American people are paying attention to. When I go home, that is what I hear. I hear folks ask me all the time, why is it that our Congress, the majority party now in our Congress, cannot stand up proudly and say that they match their words with action when it comes to our brave men and women in the military? So that is a bit of truth that I wanted to highlight, to bring a little light to in this House of Representatives.

The other is an issue that again doesn't have anything to do with that, except we are trying to shed some light of truth on it. It happened just a couple of hours ago, Mr. Speaker, on the floor of this House.

The majority party has bent over backwards in their efforts to try to make certain that individuals who are in this Nation illegally are able to access certain benefit that are paid for with hard-earned taxpayer money. Now, I don't know why that is. I can't answer the question I get at home, why on Earth would they do those sorts of things? I can't answer that. But they bend over backwards to make certain that individuals who have come into this Nation illegally are able to get access to housing, get access to all sorts of things that in fact my constituents, your constituents, I suspect, Mr. Speaker, don't believe is appropriate.

They believe that we ought to make certain that our borders are secure and that individuals come into this Nation correctly, legally. I don't know of anybody that opposes legal immigration. What many of us, especially on the minority side, the Republican side, oppose is illegal immigration and the consequences of attempting to take care of or provide services for those folks that are here illegally. The problem is, those services, all of the services that we address here, are paid for by hard-earned American taxpayer money.

So what we had on the floor of the House here today was a bill that should have gotten broad support, the reauthorization of the Federal Housing Act. It is a bill that in its original intent was supposed to try to provide assistance for people who were kind of at the margins. They weren't able to make certain that they were able to afford some kind of housing, and this bill was an attempt to try to provide in a very generous and positive way some assistance to those that needed it.

Over time, that mission has become a bit distorted. In this instance today, it has not only become distorted; it has become abused, abused in a way that, again, my constituents at home, they just shake their head when they hear these kinds of stories.

What happened is what the bill included, at the direction of the chairman of the committee and of the Democrat majority. What it included was up to a $5 billion slush fund.

Mr. Speaker, remember, that is $5 billion of hard-earned American taxpayer money, $5 billion to go into what is euphemistically called an Affordable Housing Fund. But in fact what that money can be used for is virtually anything that the majority party believes is appropriate in terms of giving money to organizations that have something to do with housing.

Now, how is that something defined? Well, it isn't, which means that that money can be used for an organization that simply advertises that if you are having difficulty with housing, then we would like to assist you and move you and get you to talk to the people who truly have the answers.

□ 1730

That may be 1 percent of their mission, and the other 99 percent of their mission is advocacy for left-leaning organizations all across this Nation. And advocacy for individuals on the other side of the aisle to get elected, and advocacy in ways that the vast majority of the American people would say we ought not be doing that. We ought not be spending hard-earned American taxpayer money that way. Yet this is a $5 billion slush fund for individuals to be able to use it kind of as their own little pet project.

If that weren't bad enough, on our side of the aisle we get one opportunity to truly affect and change the course or the description, the content of a bill. It is called a motion to recommit, as you know, Mr. Speaker. In that motion to recommit that we offered today, it was very simple. It said, if you are going to allow individuals to have access to that $5 billion of hard-earned taxpayer money, you ought to make certain that the people receiving that money are either U.S. citizens or here legally. Kind of a simple, commonsense amendment.

What we heard from the other side was oh, no, you can't do that. That would limit the ability of us to do, to accomplish our mission. That would make it so we are not able to do the kinds of things that we want to do.

Remember, the kinds of things that they want to do is to support organizations that are not consistent with mainstream America. So we offered that amendment that would have provided that you had to be legal in this Nation, that you had appropriate documentation of your legality. You had to be a U.S. citizen or here legally. The other side strenuously objected and defeated it. So 216 or 217 Members of the Democrat Party said no, we don't believe that you ought to be here legally and get those kinds of moneys. We believe those moneys ought to be able to go to those folks here illegally.

Mr. Speaker, when I go home and try to explain that to my constituents, there is no way I can do that. They stand in front of me just dumbfounded that the majority party that we have right now is intent on providing taxpayer benefits, taxpayer-funded benefits, to individuals here illegally. That is a bit of a truth that I am trying to weave through and make certain that Members of this body, Mr. Speaker, understand and appreciate that some of these votes actually do matter. Some of these votes matter. That vote today mattered.

I am attempting to shed some light on issues that in fact matter, and the issue of the ad that denigrated and criticized and brought into question the honesty and truthfulness of one of our military heroes about which we heard nothing, virtually nothing from the other side, that is truth. That's truth. And the American people are watching. The American people are watching.

I mentioned, Mr. Speaker, when I go home I often get some questions from folks who are concerned about what is going on here in Washington. I was reminded by a friend here on the floor of the House today that it is striking that so often what seems to matter at home doesn't matter here, and what matters here doesn't matter at home. So we get the kind of remarkable back-and-forth that goes on here on the floor of the House that oftentimes is not full of the kind of substance that the American people are concerned about, and the issues about which they are concerned we often get very little attention paid to those things here in Washington.

We are going to talk about one of those that I hear about all the time from my constituents back home. We are going to talk about the issue of taxes and the issue of spending and the issue of entitlements. ''Entitlements'' is a word I am not very fond of because it is not an appropriate description. Entitlements have come to en capture the Social Security program, Medicare program and Medicaid program. They are called entitlements, because in order to receive the benefits from those three programs, and other entitlements, there are other entitlements, all you have to do is meet certain parameters. So if you are a certain age, for example, you are eligible for Medicare, regardless of anything else. If you are below a certain income and you have a certain family situation, then you are eligible for Medicaid. Once you reach a certain age, you are eligible for Social Security. The proceeds or the benefits that are in those programs are automatic. So I prefer to call them automatic spending as opposed to entitlements. And instead of mandatory spending, I like to call them automatic spending because the spending is on autopilot. It just goes and goes.

Regardless of what happens in this Chamber and in the Senate, the spending continues and continues and continues. The inertia here in Washington about these programs is to do nothing. It is to do absolutely nothing because they are automatic. They are entitlements. Why would we want to do anything. We would want to do something because of the changing demographics of our society. We are on a collision course with a fiscal disaster. A collision course with a fiscal disaster. That is not my opinion, that is a fact, to quote Senator Moynihan.

If you go to other folks who are much more knowledgeable about this situation, they will tell you the same thing. The chairman of the Federal Reserve, Chairman Bernanke said in February 2007, ''Without early and meaningful action to address the rapid growth of entitlement, the U.S. economy could be seriously weakened with future generations bearing much of the cost.'' That is the Federal Reserve chairman saying if something isn't done, the economy

could be seriously weakened. What that means is fewer jobs, decreasing income, higher taxes, decreasing opportunity, a shadow coming across the dreams of the American people. That's what that means.

The comptroller general, David Walker, who has been working as hard as he can for literally years to get the American people and this Congress to wake up to this impending crisis, David Walker said in March of this year, ''The rising cost of government entitlements are 'a fiscal cancer' that threatens catastrophic consequences for our country and could 'bankrupt America.' ''

Mr. Speaker, that's not Representative PRICE talking. That's not somebody who is talking willy-nilly about the sky falling for no reason at all. That is the comptroller general of the United States of America who looks at the numbers and looks into the projections of spending in these entitlement programs and says that there are catastrophic consequences for our country if nothing is done.

I am fond of saying that a picture is worth a thousand words, and graphs are oftentimes worth more than that. This graph demonstrates clearly the course we are on. These are pie charts that identify the amount of the portion, the percentage of the Federal budget, that goes to mandatory or automatic spending, the entitlement programs, Medicare, Medicaid, and Social Security.

In 1995, these programs, the entitlement programs, automatic spending programs, comprised about 48.7 percent of the Federal budget. And the prediction then in 2005 was that they would comprise about 54 percent of the Federal budget. That was the prediction back in 1995. And what happened? Well, it was right on track. Right on track. 53.4 percent of the Federal budget went to automatic spending in the area of entitlements.

Now what's the prediction for 2017? It is 62.2 percent. This yellow portion of the pie continues to get larger and larger and larger. That's the spending in the automatic spending area, the entitlement area: Medicare, Medicaid and Social Security. That is a course, Mr. Speaker, that we as a Nation are not able to sustain. It is crying out for reform. It is crying out for improvement and programs that will be more responsive to the individuals receiving it. It is crying out to make certain that as the baby boomers of our Nation retire, as they age, and as we have individuals who are at the lower end of the economic spectrum, it is crying out for programs that are more responsive to them, that answer their concerns, that listen to them. These programs will not be able to do that because they will not be able to be funded. And to sit here in 2007 and act as a Congress and not address these issues is irresponsible. It is irresponsible.

This chart, Mr. Speaker, talks about this looming entitlement or automatic spending crisis. In 2007, Federal spending as a percentage of GDP, that's the gross domestic product, is about 20 percent. That means about 20 percent, about two dimes out of every dollar that every American earns, goes towards taxes in order to cover the programs that the Federal Government provides. And the bulk of this, remember, the bulk of this yellow bar here is entitlement spending: Medicare, Medicaid, Social Security.

If we remain on our current course, if we do nothing at all, and remember, we have done nothing. If we continue to do nothing, what happens is that in relatively short order, 2020, we go to 23, 24 percent. In 2030 we go over 30 percent. In 2040, we go to 40 percent. In 2050, we exceed 50 percent of the gross domestic product.

It's important to remember that, and I have another chart which I don't have with me, but it is important to remember that the average level of Federal budget, taxation to the American people is 18 to 20 percent and has been for decades. It is also important to note that amount of spending, that amount of taxation, that amount of Federal spending, a Nation spending at about 20 percent, is about the maximum that any Nation can sustain for any period of time and remain financially viable. Once you get up into these areas here, Mr. Speaker, you can't sustain that. The economy won't sustain it. People won't have jobs. You begin to lose companies and jobs. You begin to lose the infrastructure that makes it so that individuals can go to work and send their money to Uncle Sam.

There is a balance, and that's what Federal Reserve Chairman Ben Bernanke knows. That is what Comptroller General David Walker knows, and that is why they are sounding these alarms.

So you would think that this Congress that is charged with making certain that our financial stake, that our financial future, is positive and optimistic and that my son, our son and children all across this Nation can grow up and be able to have the wonderful opportunities that so many of us have had. You would think that this majority would want to continue or want to make reforms so that those kinds of dreams and visions and entrepreneurship and excitement about America's future would continue. You would think that the current leadership would listen to what they hear if they take that shell and they put it up to their ear or they read the tea leaves or they listen to the people that truly know like David Bernanke and like David Walker. You would think that they would reform these programs or put a proposal on the table to reform these programs.

□ 1745

You would think, Mr. Speaker, that there would be no expansion of entitlements, there would be no more additions to the automatic spending that is going on here in Washington. Well, Mr. Speaker, as you know, that is not the case.

We have had a number of bills that have come through the floor of this House that have in fact expanded entitlements. The most recent one was terribly discomforting to me. It was the State Children's Health Insurance Program.

Before I came to Congress, Mr. Speaker, I was a physician. I spent over 20 years, 25 years taking care of people, trying to get them well, trying to heal them, trying to make certain that in spite of all the remarkable rules and regulations that are put on the backs of every single physician across this here Nation, that we could actually take care of patients.

One of the things that became much more onerous than it ought to be is the State Children's Health Insurance Program, which actually provided greater rules to how to care for individuals than otherwise. It also ultimately didn't fit the original definition.

The State Children's Health Insurance Program began in 1997. Its mission was to make certain that those individuals, those children in families where their family made too much money to qualify for Medicaid but they didn't make enough money to be able to readily afford health insurance were given some help; that those families were able to provide some type of health insurance that was truly quality for their children.

It is a good mission. It is a bipartisan program, a program that passed through this House in Congress in 1997 in a bipartisan manner because it had an appropriate ideal; it was an appropriate compromise between some Federal program, a State program, and a lot of private input. That program was to run for 10 years. So it is about to expire.

So what has happened in this House is that the Democrat majority decided that they weren't interested in working in a bipartisan way, contrary to so much of what they talk about. They weren't interested in working in a bipartisan way. It was their way or the highway.

Their way was a remarkable expansion of an entitlement. Remember, the State Children's Health Insurance Program was a discretionary program, which means that the Federal Government determines what resources it has available to provide that kind of care, and it works with the States to make certain that the amount of money is there but that it is not on one of those automatic trajectories to the sky in terms of spending. It is not one of those programs that will assist in bankrupting the Nation, as David Walker talks about.

But what does this majority do, this new majority, this Democrat majority that talks all the time about being fiscally responsible? It takes that program and instead of keeping it in the discretionary side, that side where

folks at home can be able to appreciate that it is that side of the budget where if they are able to afford it, they utilize the money in that area, and it puts it in the entitlement side.

Instead of these bar graphs and those pie charts being accurate in their prediction, that will be significantly off. In fact, they will be off so much that we will reach this position of not being able to sustain those programs and of decreasing economic activity in this Nation and of lowering wages and of losing jobs in this Nation sooner because of the recent actions of this Democrat majority.

They made it an entitlement. They did all sorts of other things which I thought were egregious, as well as they pitted seniors against children in their effort to try to pay for it. You don't see the kind of reform that is so necessary.

So, again, Mr. Speaker, you would think that this new majority would say, well, it looks like when we look into the future that we have got a problem on our hands. We have got a problem, financial problem. It is our responsibility as elected representatives of the people of the United States that we need to be responsible, that we need to be responsive to the concerns of our constituents, that we need to make certain that the programs that we put in place will allow Americans to continue to dream and continue to have that great opportunity for success.

We need to make certain that we don't allow the entitlement programs to consume an ever greater portion of the Federal budget so that that discretionary side, which, Mr. Speaker, as you know, is not just the military, it is roads, it is highways, it is all transportation, it is all funding for the aviation, it is all of the other kinds of programs. It is jobs, housing. It is the wonderful housing bill that we worked on today.

It is all those kinds of things. It is everything that you think of when you think of the Federal Government having activity, everything is all of the discretionary side, and it will be consumed by the entitlements, which means all of the things that folks think about other than those three programs will not be able to take place.

So you would think that this new majority would say, well, we better get our act in order, get our House in order, better work together in a collegial and a positive and a bipartisan way to be able to solve this problem. It is what we have been trying to do, what we have been talking about, what we have proposed.

In fact, we did so in the Balanced Budget Act of 1997. That act reformed entitlements, about $130 billion of reform. That is one of the big things that resulted in the ability to balance the budget, to have a surplus. That was done with a Republican Congress and a Democrat President. In fact, in 2005, in spite of all the kicking and screaming from the other side, another $40 billion in appropriate entitlement reform.

What has happened with the budget for this year among this majority, who clearly can read the same charts, who get the same information from the Federal Reserve Chairman, Ben Bernanke, and Comptroller David Walker, who can look at the same projections? What have they done in terms of entitlement reform? Nothing. Nothing, Mr. Speaker.

That is an abrogation of duty; that is irresponsible out of this majority. The American people are paying attention because, again, when I go home, they want these problems solved. They want them solved. They ask why can't you work together and get these problems solved. Mr. Speaker, we stand ready, willing and able to work together to get these problems solved.

We are going to talk a little more about entitlements, but we want to talk a fair amount about the taxing that has been hoisted upon the American public by this current majority. We will talk about spending. There are a number of ways you can increase revenue to the Federal Government and cover the programs that are so vital and necessary to the American people.

I would suggest, Mr. Speaker, that increasing taxes and increasing spending together are not two of them. I believe that we ought to be decreasing taxes and decreasing spending and being fiscally responsible as a Congress.

I am pleased to be joined by my good friend, the gentleman from New Jersey (Mr. GARRETT), who is a fiscal hawk, an individual who recognizes and appreciates the importance of balancing budgets and making certain that we don't spend beyond our means at the Federal level. I look forward to your comments. I am happy to yield to you.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the good work of the gentleman from Georgia on so many areas that I work with you on, Financial Services and otherwise; but here tonight most specifically what is important to the American public and American taxpayer, and that is just how much money is coming out of their wallet, out of their pocket here and being sent down to Washington, where those dollars are going and whether are being held responsibly.

I am not sure whether you were on the floor at the moment, but prior to your speaking we had a Member from the other side of the aisle on the floor giving their comments, and the gentleman from the other side of the aisle, the Democratic Caucus Chair, who was speaking for a little bit about the new book that is out there on Federal responsibility and issues of such. Alan Greenspan just did the book.

If you listen to his comments, it almost harkens back to prior to the elections and the exact same rhetoric we heard at that time as we did just 35 minutes ago from the other side of the aisle. He was lambasting and had been lambasting this administration and the past Congresses, saying that they have spent too much money, that the past leadership in this House was being fiscally irresponsible, that they were passing bill after bill, spending increase after spending increase.

On and on the rhetoric went, just 35 minutes ago, the same rhetoric that we heard during the last election about looking towards the past and all the mistakes that were made in the past.

Now if you listen to that, you would always assume that the next words out of their mouth were going to be: but this is what we are going to do when we get into the majority. We are going to reverse those trends. If spending was too high, we are going to go in the other direction.

That is what you think would be the next words out of their mouth, but of course they can't be. Here we are in September, 9 months into this new 110th Congress, under the leadership now of the Democrat majority, both in this House and the Senate, and we have their track record to look at to see what course do they take. They lambasted, attacked the path of too much spending.

Did they reduce spending? They did not. Instead, they have piled onto that spending. Increased spending in the past was bad. Well, they exacerbated that problem by spending even more.

There was a study recently that goes to this point, taking a look now at this new 110th Congress. The National Taxpayers Union, basically a nonpartisan organization, looking at both sides of the aisle fairly recently did a study that shows that the 110th Congress, both Senate and House, have introduced far more bills for budget savings than they have in previous administrations, previous Congresses.

On first blush, that would be a positive thing until, again, you think of what the record has been over the last 9 months. Has anyone seen any of those savings bills passed through this House and passed through the Senate and get signed into law? I can't think of any.

It's one thing to talk the rhetoric, which they have been doing. It is another thing to drop in the savings bills, which some of them may have been doing. But when we see the leadership will not post any of those savings bills, that is the problem. For each bill introduced in this House that would reduce Federal spending, and this makes the point, there have been over 20 bills, a 20 to 1 ratio increasing the size and amount of spending in Congress.

If you additionally listened to the other side, they will talk about and applaud themselves and pat themselves on the back about PAYGO, which you have already discussed, which is a good term described in a very elementary way to say pay-as-you-go, something that all families have to do in this country, and we wish Congress could live by that as well.

Well, there are two aspects to PAYGO. One is the spending side of the

equation. Let's talk about that for a minute. I don't know whether you have this chart up there. I know you have a number of charts. One of the charts is headed ''New Majority's Fiscal Irresponsibility.'' I don't want to make you go through all your charts.

One of the ways you can deal with PAYGO is this, and this is exactly what every family does as well. When the family sits down and looks at their budget for that week or that month as far as paying their bills, they have to prioritize and say we may have a new expense here that we would like or need to pay, but we don't have enough money in the checkbook. So what are we going to do, we are going to reduce spending elsewhere.

Good idea. American families should do it; Congress should do it. This side tried to reduce spending by 2 percent. That didn't get anywhere. How about 1 percent? Can we agree there is 1 percent of waste, fraud, and abuse in Congress? You would think we could agree to that.

But if we could look to the chart right next to you right now, what that chart says is as follows: when that 1 percent reduction legislation was proposed to this House, who voted for it and who was against it.

Mr. PRICE of Georgia. I appreciate you pointing that out. What this chart demonstrates is that the rhetoric that we hear from the other side doesn't match the action. It happens in so many different areas; it is hard to keep up with. I call it Orwellian democracy, which is that the words don't match the actions.

This chart demonstrates the seven appropriations bills. A number of us, and you were so very, very supportive of these efforts, attempted to say the Federal Government is spending too much, we ought to decrease that. If you don't want to decrease it in certain specific programs, then let's just decrease it by a certain percent.

In this instance, I promoted amendments that would decrease it by 1 percent. Decrease these seven appropriations bills by 1 percent. That is one penny out of every dollar. That reduction would have saved $3.9 billion. Yet the individuals who so often say over and over and over that they are champions of fiscal responsibility, that they certainly don't want to see us overspend, and you see on the far right there the number of times that they voted for and then against this type of amendment, overwhelmingly voted against it, 95 percent almost all the time.

I am happy to yield to my friend.

Mr. GARRETT of New Jersey. I will leave you to make that point in greater detail because I think it is a significant point.

I will leave you on this note as well, that the other side of the ledger sheet, if you are not going to cut spending, the other side is increased revenue. I believe you will probably show a chart that you will have later on with regard to how they have been doing it. But the American public must know this in a larger sense, that since the Democrats have been in power, they have given us the largest tax increase in America's history. The last time we had such a large tax increase was back when the Democrats were in charge 12 years ago.

It was just a week ago, a couple of weeks ago when they wanted to raise taxes by $53 billion with regard to a piece of legislation that they had no offsets for. Additionally, just yesterday, or the day before, they wanted to raise taxes again by another billion dollars on redundant programs.

So as you pointed out, there are two ways to do this, either cut spending, which they are not agreeable to do, or raise taxes; and of course we have seen the history over the last month: every time they get a chance, they do that.

□ 1800

Mr. PRICE of Georgia. I thank my good friend for coming and helping out and participating and trying to shed light, trying to put a little fact on the table when we talk about the issue of taxing and spending.

I do, Mr. Speaker, want to talk fairly specifically about taxes because, as you know, Mr. Speaker, the general consensus out in America is that the majority party, the Democrats, are the party of tax and spend. I grew up believing that, I grew up thinking that, and that is one of the reasons that I was so staunchly a Republican as I entered my political career, because I thought it was most appropriate to decrease taxes and to decrease spending at the State and the Federal level, because I believe firmly, as I believe most Americans believe, that the American people are better able to decide how to spend their hard-earned money, not the Federal Government, not the State government.

Our friends on the other side of the aisle tend to believe by and large that the Federal Government knows best; that the choices that the Federal Government makes with how to spend individuals' money, those are better choices than that person could make for themselves. I simply don't believe it and I don't think the American people believe that.

But what has happened in a relatively short period of time, Mr. Speaker, we have been in this 110th Congress now a little over 9 months, right about 9 months, in a relatively short period of time the bills that have been passed would increase taxes on the American people, and truly across the board, not just a small focal area. They will talk about increasing taxes on the rich, and we will talk about that a little bit, but in fact what they have passed through this House are bills repeatedly that increase taxes on virtually every single American. And why do I say that? Well, they passed a budget that includes this portion, these parameters laid out in terms of increasing taxes.

When you talk about ordinary income, the highest rate would go from 35 percent to 39.6 percent. When you talk about capital gains, it would go from 15 percent to 20 percent. Dividends, 15 percent to 39.6 percent. Those are all increases, Mr. Speaker. They are also facts, not opinions. They are facts.

The estate tax in 2010 will be zero. That is the death tax. That means that if you are unfortunate enough to have somebody in your family that dies, that their estate on that day that they die, you don't have to write a check to the Federal Government. But on January 1, 2011, with the budget that the new majority passed, that amount, that death tax goes right back up to 55 percent, which is where it was when we have been trying to get it down, 55 percent. That is an increase, Mr. Speaker.

The child tax credit, the amount of money that you are given from the Federal Government as a credit to assist in raising your child, $1,000, in 2010, 2011 down to $500, cut in half, slashed in half.

The lowest tax bracket, curiously enough, those at the lowest end of the economic spectrum in 2010 would have a taxable income tax at 10 percent, and then in 2011 at 15 percent.

What does that mean, Mr. Speaker? What does that mean to people? The other side is fond of saying that all they are going to do is tax the rich. They demonize the rich, because there is a tried-and-true method in politics which is to divide people. We believe, I believe that it is important to bring people together to work together in a positive way to solve problems, to solve the challenges that we have as the American people. And so they say, well, all we are going to do is increase taxes on the rich.

In fact, with these tax rates here, one in five people who benefit from the lower rate on capital gains that was passed earlier in this decade have incomes below $50,000. That is 20 percent have incomes below $50,000. So I guess that all we can conclude from that is that our friends on the other side, the majority party, believe that anybody who makes less than $50,000 is rich, the only conclusion that we could reach given their rhetoric, given what they say. One in four people who benefit from the lowered rate on dividends, one in four, 25 percent have an income less than $50,000. Again, are those people rich, Mr. Speaker? Are those people rich? When you pit people against each other, it doesn't do well or a service to our Nation in terms of the discussion as we move forward.

How many folks is that? 2.4 million people earning less than $50,000 benefit from the capital gains tax relief, 2.4 million Americans; 5.4 million Americans who earn less than $50,000 benefit from the dividend tax relief, 5.4 million. In fact, 58 percent of the people who have benefited, Americans who have benefited from the capital gains tax cuts earn less than $100,000 a year.

Over half of the individuals earn less than $100,000 a year. So I guess all those people, Mr. Speaker, by the definition of our friends on the other side, are rich.

Mr. Speaker, we are talking a bit about taxes and about the Orwellian nature of the rhetoric that we hear from folks on the other side of the aisle as they continually say, well, we will only tax the rich and we will only tax corporations, as if corporations are this inanimate object that don't relate at all to the American people, that there is no nexus between the American people's jobs and businesses. In fact, when they tax at the rate that they do or that they propose, it affects virtually every single individual in this Nation who has a job. And, Mr. Speaker, that is personal. That is personal to those folks.

So we have talked about the $392.5 billion tax increase that was incorporated in the budget that our friends adopted on the other side. We have talked about that, and we outlined where that came from with all of the increases in income taxes, capital gains taxes, the death tax coming back. But what else have they done? Virtually a new tax at every single turn. A new bill comes through here, and it is a new tax or it is a new fee. $15 billion in the energy bill that was passed, $15 billion in new taxes on American corporations, American oil corporations. And I know it is popular to beat up on the oil companies. But, Mr. Speaker, if you tax them more, who is going to pay those taxes? The American people are going to pay those taxes. Corporations don't make any money, they don't mint any money. What they do is American people purchase their products. And if they are taxed more, the American people will pay more for those taxes.

In addition to what that means is that we are penalizing American corporations. And they didn't tax foreign oil companies. That is not what they did. They taxed American oil companies $15 billion; $5.8 billion in new tobacco taxes. That might be appropriate. In fact, as a physician I strongly believe that individuals ought not smoke. Ought not smoke. But what they have done is incorporate new tobacco taxes in a children's health insurance bill, so that as you decrease the number of folks that are smoking, you will have to find that money elsewhere. And then where does that come from? Yes, Mr. Speaker, you guessed it, new taxes.

$7.5 billion in new taxes in the farm bill. Remember, Mr. Speaker, at every single turn, virtually every single turn, every new bill, this new majority has seen to find an opportunity to raise taxes on the American people.

Five-cent-per-gallon gasoline tax increase for infrastructure. That infrastructure is an appropriate thing to pay for. But, Mr. Speaker, as you know, when you set a budget, you ought to set priorities. And one of the priorities of this Nation ought to be infrastructure improvement, but we have got enough money to be able to do that if we would set those priorities. We ought not be increasing the taxes on the American people.

A 50-cent-per-gallon, 50-cents-per-gallon tax increase to study global warming. Now, Mr. Speaker, I believe that it is fairly well documented that the temperature on the Earth has increased some over the past couple of years. I don't know that that is due to human activity, but I do believe that we ought to be studying it and looking at it. I also believe that it ought to be a priority of our Nation and it ought to be a priority of our budget, but I don't believe that we need to increase taxes in order to perform that study. I believe that those resources are certainly already there.

New taxes on homeowners by ending the mortgage deductions. That is what has been proposed by the other side.

And in the SCHIP bill again, in the State Children's Health Insurance Program, there was a small little portion of it that many people didn't even know they were voting on when they voted on it that will provide, if it becomes law, for a tax on every single personal private health insurance policy in this Nation. Every single one. Mr. Speaker, it is not the way that we ought to be proceeding to increase economic development to solve the challenges that we have by taxing Americans over and over and over.

I want to spend a few brief moments talking about taxes on corporations, because our friends on the other side, it is one of their favorite pinatas. They beat up on the corporations left, right, and center, and they do so as if the corporations in America aren't paying any tax at all, they aren't paying their fair share. You will hear them say that, Mr. Speaker. If you look at the facts, if you look at the facts, then we could see where the American corporations stand as it relates to the rest of the industrialized world.

Now, one would think, given the Orwellian rhetoric that we have heard from the other side, that American corporations are clearly not paying their fair share. Right? They are not paying as much as they might be in, say, oh, pick a nation. Canada? Canadian corporations pay about 22 percent. American corporations, oh, by the way, they are down there on the far right on this chart, Mr. Speaker. They are down there on the far right paying the greatest percentage of taxes of their income of any other nation, tied with Spain. Granted, we are tied with Spain, 35 percent. Switzerland down here, 8 or 9 percent. Ireland is about 12 percent.

In fact, Ireland is a great case study, because Ireland used to be way down at this end of the chart, way down at that end. In fact, what they did was decrease their corporate taxes, decrease their taxes on corporations and businesses. And what happened, Mr. Speaker? An incredible economic boom, an incredible economic development occurred, because when you allow corporations to create more jobs, more people get jobs, more money is created in terms of revenue for the Federal Government. And it seems counterintuitive, but when you decrease taxes on both people and on corporations, there is more money that comes into the Federal Government.

So, Mr. Speaker, when you look at the facts, when you look at the facts you appreciate that the United States corporations, again, a wonderful whipping boy and it is easy to criticize them because it is tough for them to defend themselves, especially with the rhetoric that we so often hear on this floor of the House. And I find that troubling and I think that is distressing, and it ought to be to the American people, Mr. Speaker. Because when you look at the facts, what you see is that United States corporations are taxed more than any other industrialized nation except for Spain, and we are tied with Spain, 35 percent. So those are the facts, Mr. Speaker.

Now, what is the solution? Well, the solution is to respect the hard-earned money of the American taxpayer. That is the solution. We have proposed a taxpayer bill of rights. I encourage my colleagues on the other side to look at the bill, to cosponsor the bill. I would love to have it passed. I would love to bring it to the floor and passed.

What does it include? It says that the Federal Government ought not grow beyond their ability to pay for it. That is the balanced budget portion of the bill. You ought not spend more than you take in. You ought to make certain that you end deficit spending. We believe taxpayers have a right to that. We believe that taxpayers have a right to receive back each dollar that they entrust to the Federal Government for their retirement. That is the Social Security portion. As you well know, Mr. Speaker, we talked about entitlements earlier, entitlement reform is imperative. If young people across this Nation are going to be able to receive back with some benefit the resources that they have sent to the Federal Government for their retirement, if that is going to be able to occur, then what needs to happen is that that money needs to be put into a fund that is not used for anything else. Social Security trust fund money ought to be used for Social Security alone. That is what the taxpayer bill of rights says. That is what we say in our bill. That is what many individuals across this Chamber on both sides of the aisle have said that they support.

□ 1815

Well, Mr. Speaker, let's vote on that. That's a positive move to make. In fact, that would be a bipartisan positive move to make. We encourage that to happen. We believe that taxpayers have a right to a balanced budget amendment without raising taxes.

As we've demonstrated already, the current majority believes that if you

just tax more, you'll be able to increase the money coming to the Federal Government to pay for all these programs, these new programs that they want to enact.

In fact, what happens if you tax more, you decrease money coming to the Federal Government. And every single President that has decreased taxes recognized that. John Kennedy did when he decreased taxes, saw a significant increase to the Federal Government in terms of revenue. Ronald Reagan did when he decreased taxes, saw an increasing amount of money to the Federal Government. And certainly in this administration we've seen significant increased revenues to the Federal Government. When you decrease taxes, money to the Federal Government increases. Again, it sounds counterintuitive; but it's not, because what happens is that American people get to keep more of their hard-earned money.

And you remember, Mr. Speaker, we talked about choices, who ought to be able to choose. One of the most fundamental principles that we believe, I believe, is that the American individual, the American citizen ought to be the one that has the right to choose when they save or they spend or they invest, not the Federal Government, with their money. So many of our good friends on the other side believe that they can make better decisions than the American people with that hard-earned taxpayer money.

We believe that you ought to be able to get to a balanced budget without raising taxes. We have a bill that will allow that to happen. We strongly encourage our friends on the other side to support it.

We believe that taxpayers have a right to fundamental and fair tax reform. Some of my friends are supporters of a flat tax, a flat income tax. Some are supporters of a fair tax, the national retail sales tax, which I believe to be the most appropriate way to align our form of taxation in our Nation with our form of commerce. We would then incentivize all the things that we say that we want, like hard work and vision and entrepreneurship and success. Right now we punish all those things. Our current tax system punishes people when they do more, when they succeed, when they die. Those aren't things we ought to be taxing. My goodness.

And we believe also that the taxpayers have a right to a supermajority required for any tax increase. In fact, as you know, Mr. Speaker, that was the rule of the House until this new majority took over. When they changed the rules on the very first day that we met in January of this year, they changed the rule to make it so that it only took a majority to raise taxes on any bill that comes through this House, not a supermajority, which meant 60 percent before.

So, Mr. Speaker, it's very clear. We believe, I believe, that working together positively, productively we can solve the challenges that we have before us.

It's an incredible honor to represent the Sixth District of Georgia in this United States House of Representatives. It's an incredible honor for each and every one of us to be a Member here.

But what our constituents demand of us, I believe, is responsibility to act together and to work together in a positive way, in an uplifting way, in a way that will make certain that we preserve the American Dream and a system in place, an economic system in place that will allow the majority of Americans, the vast majority of Americans, if not every single American, the opportunity to succeed in his or her own life.

I challenge my colleagues across the aisle to work together positively in that direction. I know that you've got partners who will assist you on this side.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Florida (during the Special Order of Mr. PRICE of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 110–332) on the resolution (H. Res. 659) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Mr. HASTINGS of Florida (during the Special Order of Mr. PRICE of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 110–333) on the resolution (H. Res. 660) providing for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LIVING VICTIMS OF 9/11

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes as the designee of the majority leader.

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

Mr. Speaker, 1 week ago today, we marked the sixth anniversary of the tragic events of September 11, 2001. I appreciate the opportunity to speak today about an issue that faces not just my district, where the attack on the United States occurred, where the World Trade Center once stood, but our entire Nation.

I am honored to be here today to support legislation sponsored by CAROLYN MALONEY and myself and others. CAROLYN has been such a strong advocate for the living victims of 9/11.

I also want to thank Chairmen GEORGE MILLER and FRANK PALLONE for the recent hearings they have held on this issue, one last week and one earlier today.

I am pleased to announce that yesterday, along with Congresswoman MALONEY and others, I introduced essential new legislation that would ensure that everyone exposed to World Trade Center toxins, no matter where they live now or in the future, would have a right to high-quality medical monitoring and treatment and access to a reopened victim compensation fund for their losses.

Whether you are a first responder who toiled without proper protection, who came to help in the rescue and recovery from New York, from elsewhere in New York or from elsewhere in the country, or whether you're an area resident worker or student who was caught in the plume, or subject to ongoing indoor contamination, if you were harmed by the environmental effects of 9/11, you would be eligible.

This bill builds on the best ideas brought to Congress thus far, and on the infrastructure already in place providing critical treatment and monitoring.

Mr. Speaker, when the World Trade Center collapsed on September 11, 2001, the towers sent up a plume of poisonous dust that blanketed Lower Manhattan and parts of Brooklyn, Queens, and New Jersey. A toxic cloud of lead, dioxin, asbestos, mercury, Benzene, PCBs, PAHs and other hazardous contaminants swirled around the site and around Lower Manhattan and Brooklyn and Jersey City as rescue workers labored furiously in the wreckage, many without adequate protective gear. Thousands of first responders inhaled this poisonous dust before it settled onto and into countless homes, shops and office buildings where it remains to this day.

Mr. Speaker, I've always said that there were two coverups conducted here, two coverups conducted by the administration. The first coverup was that the air was okay, that no one would get sick from the exposure to World Trade Center dust at or near Ground Zero. The administration denied the air was toxic and insisted that no one would get sick. They lied. They lied deliberately to the American people, to the people of New York, to the first responders. They said the air was safe, when they had test results saying it was toxic. As a result, tests at Mt. Sinai Hospital published in a peer reviewed medical study just about a year ago revealed that of the 10,000 first responders tested, over 70 percent suffer

from lung disease at this point, or at least as of last year. We have seen this in test after test and study after study. All the literature goes in the same direction. Thousands of people are sick who need not have been sick. Thousands of people are sick because the administration lied, and because OSHA failed to do its job.

Mr. Speaker, there was air pollution at the site of the Pentagon attack on this country also. But OSHA, the Occupational Safety and Health Administration, enforced the law. Nobody was permitted to work on the site without wearing proper respiratory protective gear, as the law demands.

Mr. Speaker, nobody is suffering lung damage or respiratory disease today as a result of participating in the rescue and recovery efforts at the Pentagon. But in Lower Manhattan, somebody made a deliberate decision not to enforce the occupational safety and health laws. OSHA did not enforce the laws. People were permitted on the site without respirators. Indeed, public officials went to the site and wore only masks, paper masks, which were worse than useless, we are told by the scientists. Many workers worked without respirators. Many workers had no access to respirators. Police officers have testified they had no access to respirators.

Many workers who did have access to respirators believed the assurances they got that the air was safe and didn't use the respirators because they got in the way of the work. The result is, thousands of people are sick and some are dead, unnecessarily, as a result of the malfeasance, the deliberate malfeasance of the Federal Government.

Mr. Speaker, two things establish a moral obligation on the Federal Government. One, the people who were hurt, the people who are sick as a result of participating in the clean up, the people who are sick as a result of living in Lower Manhattan or working in Lower Manhattan, the government workers who returned to government offices in the Securities and Exchange Commission or other government agencies and worked there before the buildings had been cleaned and are now sick as a result, are sick for two reasons. They are sick because of the terrorist attack on this country, and they are sick because their government lied to them and urged people to go back into unsafe environments and told people things were safe when they weren't.

We owe, the Federal Government owes a moral debt to all these victims. Because they are victims of a terrorist attack on this country, the words of Abraham Lincoln apply. Abraham Lincoln said that it is the duty of all of us to care for him who shall have borne the battle. The people who are sick today with deadly illnesses, with long-term illnesses, are just as much victims of the terrorists as those 3,000 people who were killed on 9/11, and the United States Government owes them long-term health care, monitoring and treatment because they are victims of the attack on the United States. Al Qaeda didn't attack them individually. They attacked United States. They happen to be the individual victims.

Secondly, they are victimized because, many of them, perhaps most of them would not have gotten sick if the Federal Government had not lied to them and if the Federal Government had not decided not to enforce the occupational safety and health laws. That too establishes a moral obligation to care for the victims of the Federal malfeasance.

Now, that is all the first coverup. But as a result of the Mt. Sinai study, as a result of other studies that have come out all within the last year as a result of some newspaper reports, that coverup has unraveled. Almost nobody today still maintains that these people aren't sick as a result of 9/11. The only question is how best to deal with that sickness.

And the answer, we believe, is that the Federal Government should adopt the bill, Congress should adopt the bill that Congresswoman MALONEY and I and others introduced that provides two things: one, reopen the victims compensation fund for people whose health was damaged, who weren't immediately killed, but whose lives were perhaps shortened, whose health was damaged as a result of 9/11 of the attack on our country.

And, secondly, provide for long-term medical monitoring and treatment through the centers of excellence, through the institutions that have treated people and through a network of institutions that would be, not formed, but would be brought into a network around the country that would be fed the latest data on diagnosis and treatment. So this legislation ought to be adopted.

Secondly, Senator CLINTON and I have introduced legislation of a more immediate nature to appropriate $1.9 billion for the next 5 years to provide for this medical monitoring and treatment in case we cannot immediately adopt the long-term legislation that Congresswoman MALONEY and I have introduced. The mayor of New York estimates that the annual cost of treatment for the first responders is now about $198 million and will increase to $413 million in the next few years as more and more people need more and more treatment.

But I said there were two coverups. The second coverup is the failure of EPA to clean up indoor contamination. When the World Trade Center collapsed, it released, as I said, thousands of tons of toxic dust and debris. Much of it settled on the ground and in the air outdoors; much of it blew in through windows and into heating vents and air conditioning vents, into buildings, all throughout Manhattan and Queens and Brooklyn and perhaps New Jersey.

Now, nature cleans up the outdoor air. The rain washes the toxins away. The wind blows them away.

□ 1830

Nature does not clean up the indoor air. Only people can clean up the indoor air. Only people can clean up the residue of those toxins that are still there. And if they are not properly cleaned up, they will stay there, and they will stay there forever, poisoning people on a daily basis. And that is exactly what we have reason to believe is going on.

Now, the EPA said people should clean up on their own. Under the Giuliani administration, the City of New York said landlords should clean up the exterior surfaces of buildings and the public spaces in the buildings but let the tenants, individual tenants, individual residents, individual small business owners and large business owners, to clean up their space, without providing any help or expertise to do so. And, of course, most of these spaces were not properly cleaned.

The EPA and New York City Department of Health put on its Web site very early on that if you came home and you saw World Trade Center dust in your apartment, clean it up with a wet mop and a wet rag. And if there is a lot of dust, if it's really thick, consider using a HEPA filter.

Now, this advice is illegal because the law says you may not remove or move asbestos-containing material unless you are trained and certified and licensed to do so and unless you are wearing a moon suit, proper protective equipment. OSHA, the Occupational Safety and Health Administration, ruled that all World Trade Center dust had to be presumed to be asbestos-containing material because there were thousands of tons of asbestos in the World Trade Center. We know that. So this advice said illegally move this material.

Now, when we had a hearing in our subcommittee, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, back in June, I inquired of Christie Todd Whitman, the former head of EPA at the time, I said, Governor Whitman, when you were administrator of EPA, if you were told that some company or some individuals who were not trained to do so were removing asbestos-containing material, what would you do?

She said, We would certainly have arrested them.

I said, If you were told they were disposing of that material in the garage, in the regular garage, what would you have done?

We would certainly have arrested them, she said.

But EPA and the City Department of Health put on their Web site the advice to do exactly that to every individual who saw the World Trade Center dust in their own apartment.

So this was illegal advice, but it was also unsafe advice. It was also unsafe

advice because if you remove asbestos-containing material without wearing proper respiratory protection, you are guaranteed to inhale some of that, and that's poison. That's toxic. Not to mention all the other toxins that we know were in that dust. And, also, if you are not trained properly how to do this, you are not going to do a thorough job. You may think you have cleaned your apartment or your office, but the material is still going to be in the drapes. It's still going to be in the carpets. It's still going to be in the porous wood surfaces. It's still going to be in the HVAC system. It's still going to be behind the refrigerator or the stove. And every time the baby crawls on that carpet for the next however many years, the baby is going to release some into the atmosphere and is going to inhale it. So these indoor spaces are unsafe to work or live in. And we are daily poisoning people.

How many such spaces? Tens of apartments, hundreds of apartments, thousands of apartments, tens of thousands of apartments? We don't know. Over what geographic area does this spread? We don't know because EPA, the Federal Government, never did any proper testing.

Now, they say they did testing, but the EPA's own Inspector General says it was nonsense. The EPA says it did a cleanup in 2002, an indoor cleanup, on a voluntary basis of several thousand apartments. But the EPA's own Inspector General said it was a phony cleanup for any number of reasons I won't go into now. And every time that anyone qualified has looked at this, they have labeled what has been done hazardous and phony.

At my request, back in February and March of 2002, the EPA's ombudsman held public hearings in lower Manhattan to talk about the indoor contamination to examine this. What did the EPA do? They dismantled the ombudsman's office after telling people not to attend the hearing. The EPA Inspector General released a report in August of 2003 labeling the EPA's actions atrocious and its cleanup phony. What did the EPA do? It ignored the recommendations.

Under pressure from Senator CLINTON and myself and others, the EPA in 2004 formed a scientific advisory panel to look into this and to advise us what ought to be done. But when the scientific advisory panel of people hand picked by the EPA started coming to the conclusions similar to what I have been stating here, what did the EPA do? Did they listen? No. They dismantled the panel and they didn't permit them to issue a report. The administration has promised us reports; we haven't seen them.

What has to be done? What has to be done is what the Inspector General recommended 4 years ago. What the Inspector General said was that there has to be active testing of indoor spaces, several hundred indoor spaces, in concentric circles from the World Trade Center. Why concentric circles? To see how far the contamination expanded and still exists.

Now, the EPA, when they talked about their cleanup, they established an arbitrary line. They said, We consider that the problem is limited to lower Manhattan below Canal Street, as if there were a 30,000-foot-high wall at Canal Street blocking the plume from going north of Canal Street, as if there were a 30,000-foot wall across the East River and the Hudson River protecting New Jersey and Queens and Brooklyn. Well, I've never seen any evidence of that 30,000-foot wall. We have to assume that the toxins went in these places too. We have to find out where they went. That's why the Inspector General instructed us that we should properly inspect several hundred indoor spaces, randomly selected indoor spaces, in concentric circles from the World Trade Center to see where the contamination extended to. And it may be that in one direction it extends three blocks and in another direction three miles. It may be, as I said, that we are talking about a few hundred apartments or tens of thousands. We don't know. But wherever that extended, wherever the tests in the concentric circles show that those toxins are present indoors, we must draw lines on the map, and then we must go into every single building in those geographic areas, however small or large the areas may be, and professionally clean them up. This may take several hundred million dollars; it may take several billion dollars. We won't know the extent of it until we do the testing. But as long as we don't do that testing, we have to assume, from everything we know, that hundreds, maybe thousands, maybe tens of thousands of people are being poisoned daily and will come down 10 years from now with mesothelioma, with lung cancer, asbestosis, and other dreaded diseases because they are living or working in contaminated environments.

And we know something else about these kinds of contaminated environments. We know the effects of the toxins are cumulative. That is to say, if you waved a magic wand tomorrow and cleaned up all the contaminated indoor spaces, a certain number of people, we don't know how many, we don't know whom, but a certain number of people, because of the failure over the last 6 years to clean up these indoor spaces, because they worked there for 6 years, are unavoidably destined to come down with these dreaded diseases because we didn't clean it up 6 years ago. But if we don't wave that magic wand, if we don't conduct a proper cleanup, then a much larger number of people will come down with lung cancer, mesothelioma, asbestosis, and so forth 10 and 15 years from now. And the liability, the tort liability, of billions, tens of billions, maybe hundreds of billions of dollars, will mount up and mount up.

Now, this second coverup is still covered up in the sense that the government doesn't admit the problem. On the first coverup that thousands of people are sick, almost nobody denies it anymore. We know that. The only question is what we do about it, and I spoke about that a few minutes ago. We should make sure that people are plugged into centers of excellence and networks and we should pass legislation affording them long-term health care, monitoring and services. But this problem that we still have, people who will come down with these dread diseases unnecessarily because they are being exposed on a daily basis to World Trade Center toxins that were never cleaned up, this is still unadmitted by the EPA or by the Federal Government.

Mr. Speaker, if we are going to be true to what we have said about the heroes of 9/11, if we are going to be true to what Abraham Lincoln said when he said that it is our duty to care for him who shall have borne the battle, we must do two things: We must provide for the long-term monitoring and health care by passing the bill that CAROLYN and others and I introduced yesterday. We must also demand that EPA implement a proper indoor testing and cleaning program. Not a cleanup that the EPA's own scientific advisory panel says is a joke and a fraud, not a cleanup that the EPA's Inspector General says is woefully inadequate, but a proper cleanup to test buildings thoroughly, to test for all pollutants, not just for one or two, and that is not limited by arbitrary geographic boundaries in a way that allows the EPA to minimize its responsibility.

Mr. Speaker, for the past 6 years, we have demanded that the EPA, that this administration, fulfill its legal mandate to protect the public health by telling the truth about post-9/11 air quality and by implementing a scientifically sound testing and cleanup program to address indoor contamination. They have absolutely failed on both fronts. The Federal Government has incurred a heavy moral liability because the blood of many of the people who will die early because of these diseases lies on the hands not only of the terrorists but of the administration officials who lied to the people about the conditions and therefore caused people to work in unsafe environments and who are continuing to allow people to work today in unsafe environments. If we are to be true to the survivors and the heroes of 9/11, we must learn something of this nightmare so that, God forbid, if there is a disaster, natural or manmade, we will protect the innocent rather than allowing our malfeasance and carelessness to shorten the lives of thousands of people.

Now, when we have talked about this in the past, some people have said, and Christie Todd Whitman, the former administrator of EPA has said, the fault for all the people who are suffering and dying is the fault of the terrorists. Of course that is partially true. If the terrorists hadn't attacked us, none of these people would be sick.

But it is the job of government and of government officials to minimize damages, to mitigate damages, to make sure that the number of people who get sick and die because of a terrorist attack is the fewest possible. Not to act in such a way that thousands of people who would have been fine had it not been for the malfeasance of government are not going to be fine. So for that it is the terrorists' fault but it is also the fault of these government officials. And that is another reason why the government has a heavy moral responsibility to clean up the indoor environment so that people stop being further exposed to the toxins so that we put a halt to further numbers of people getting sick from this. And, secondly, the government has a heavy moral responsibility to help those who have lost their jobs because they can no longer breathe, who are getting sick, who are sick, to minimize their damages by making sure that their health care is not a problem, by enacting legislation to provide for long-term health care and monitoring.

So I thank you for yielding to me. I hope that these rather harsh words but realistic words and absolutely truthful words will get some response from an administration that has been completely callous toward the survivors and has paid only lip service toward the survivors, and I hope that we can redeem the moral values that we all share on behalf of the Federal Government by doing the right thing in the future on this if we have not done so in the past, which we have not.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KNOLLENBERG (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SESTAK) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 25.

Mr. JONES of North Carolina, for 5 minutes, September 25.

Mr. PENCE, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 20.

Mr. HULSHOF, for 5 minutes, September 19.

Mr. HAYES, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building''.

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.

□ 1845

ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3304. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report detailing purchases from foreign entities in FY 2006, pursuant to Public Law 109-359, section 8030(b); to the Committee on Armed Services.

3305. A letter from the Office of the District of Columbia Auditor, transmitting a copy of a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2005 Through 2007, as of March 31, 2007,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3306. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Broadcasting Board of Governors' 2006 Annual Report, pursuant to Section 305(a)(9) of the U.S. International Broadcasting Act of 1994, Pub. L. 103-236, pursuant to 22 U.S.C. 6204; to the Committee on Oversight and Government Reform.

3307. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's fiscal year 2007 FAIR Act inventory, pursuant to 31 U.S.C. 501; to the Committee on Oversight and Government Reform.

3308. A letter from the Secretary, Department of Education, transmitting the Department's annual report for FY 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.

3309. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2006 Revised Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

3310. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2006 Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

3311. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's annual report for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174; to the Committee on Oversight and Government Reform.

3312. A letter from the Chairman and CEO, Farm Credit Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Administration's FY 2007 inventory of inherently governmental activities; to the Committee on Oversight and Government Reform.

3313. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3314. A letter from the EEO Director, National Mediation Board, transmitting the Board's FY 2006 report, pursuant the requirements of section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

3315. A letter from the Director, Office of Management and Budget, transmitting the Office's Fiscal Year 2006 list of commercial activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270); to the Committee on Oversight and Government Reform.

3316. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2006; to the Committee on Oversight and Government Reform.

3317. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2009, prepared in compliance with OMB Circular No. A-11; to the Committee on Oversight and Government Reform.

3318. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Norwalk River, Norwalk, CT [CGD01-07-019] (RIN: 1625-AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3319. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [Docket No. CGD05-07-046] (RIN: 1625-AA08) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3320. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Vessel Documentation; Recording of Instruments [USCG-2007-28098] (RIN: 1625-AB18) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3321. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2007-27887] (RIN: 1625-ZA13) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01-04-133] (RIN: 1625-AB17) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA [Docket No. CGD11-07-013] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI. [COTP Honolulu 07-005] (RIN: 1625-AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Hawaii Super Ferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii [Docket No. USCG-2007-29153] (RIN: 1625-AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3326. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [CGD14-07-001] (RIN: 1625-AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3327. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; China Basin, San Francisco, CA [Docket No. CGD11-07-012] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3328. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Ouachita River, Louisiana [CGD08-07-019] (RIN: 1625-AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3329. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Beaufort (Gallants) Channel, Beaufort, NC [CGD05-07-077] (RIN: 1625-AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3330. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [CGD05-07-074] (RIN: 1625-AA-09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3331. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mystic River, Charlestown and Boston, MA [CGD01-07-112] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3332. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hackensack River, Jersey City, NJ [CGD01-07-093] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Model AT-602 Airplanes [Docket No. FAA-2004-20007; Directorate Identifier 2004-CE-50-AD; Amendment 39-14798; AD 2006-23-01] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. ARCURI: Committee on Rules. House Resolution 659. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–332). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 660. Resolution providing for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes (Rept. 110–333). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOOZMAN (for himself, Mr. HALL of New York, Mrs. WILSON of New Mexico, Ms. BERKLEY, Mr. MILLER of Florida, Mr. GORDON, Mr. FILNER, Mr. MCGOVERN, Mr. HAYES, Mr. BILIRAKIS, Ms. NORTON, Mr. BRADY of Pennsylvania, and Mr. BERRY):

H.R. 3558. A bill to provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mr. MATHESON, and Mr. MCINTYRE):

H.R. 3559. A bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. PALLONE, Mr. KENNEDY, Mr. ABERCROMBIE, and Mr. FALEOMAVAEGA):

H.R. 3560. A bill to provide for the completion of certain land selections under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. GENE GREEN of Texas (for himself, Mr. WAMP, Mr. SMITH of Washington, and Mr. BACA):

H.R. 3561. A bill to authorize the Secretary of Health and Human Services to make grants to community health coalitions to assist in the development of integrated health care delivery, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. FOSSELLA, Mr. PENCE, Mr. BURTON of Indiana, Mr. HALL of New York, Mr. ELLSWORTH, Mrs. GILLIBRAND, Mr. DONNELLY, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for real property taxes on the principal residences to all individuals whether or not they itemize other deductions; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mrs. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. BURTON of Indiana, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, and Mr. MEEKS of New York):

H.R. 3563. A bill to provide for prostate cancer imaging research and education; to the Committee on Energy and Commerce.

By Mr. CANNON (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3564. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 3565. A bill to require rate integration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. KELLER, and Mr. SESTAK):

H.R. 3566. A bill to permanently extend the waiver authority of the Secretary under the Higher Education Relief Opportunities for Students Act of 2003; to the Committee on Education and Labor.

By Mr. ALTMIRE (for himself, Mr. GRAVES, and Ms. VELÁZQUEZ):

H.R. 3567. A bill to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes; to the Committee on Small Business.

By Mr. ARCURI:

H.R. 3568. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide grants to prosecutors and law enforcement to combat violent crime; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 3569. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BOREN:

H.R. 3570. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. BRADY of Pennsylvania:

H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term; to the Committee on House Administration.

By Mr. CLEAVER (for himself, Mr. AKIN, Mr. GRAVES, Mr. SKELTON, Mr. HULSHOF, Mr. CARNAHAN, Mr. BLUNT, Mr. CLAY, and Mrs. EMERSON):

H.R. 3572. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. FRELINGHUYSEN:

H.R. 3573. A bill to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Natural Resources.

By Ms. HOOLEY (for herself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 3574. A bill to continue the work to enhance access to the Willamette River that has been initiated by the Willamette River Basin communities, State, regional, local, and Indian tribal governments and non-government partnerships, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 3575. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Natural Resources.

By Mr. PASTOR:

H.R. 3576. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit to include the hiring of certain domestic abuse victims by small employers, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. POMEROY, Mr. HOLT, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. ELLSWORTH, Mr. POE, Ms. BORDALLO, Mr. CHABOT, Mr. KENNEDY, Mr. MCINTYRE, and Mr. KIND):

H.R. 3577. A bill to direct the Attorney General to provide grants for Internet safety education programs; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. CHABOT, Mr. DONNELLY, and Mr. COHEN):

H.R. 3578. A bill to safeguard the economic health of the United States and the health and safety of United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.J. Res. 50. A joint resolution expressing the sense of Congress regarding the contribution of the USO to the morale and welfare of the members of the Armed Forces and their families; to the Committee on Armed Services.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, Mrs. TAUSCHER, Mr. BERMAN, Ms. HARMAN, Mr. HERGER, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. LEWIS of California, Ms. MATSUI, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. MCNERNEY, Mr. CALVERT, Ms. WOOLSEY, Mr. GALLEGLY, Ms. WATSON, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mrs. EMERSON, Mr. SHERMAN, Mr. STARK, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. ROHRABACHER, Mr. FARR, Mrs. BONO, Mr. BILBRAY, Mr. HUNTER, Mr. NUNES, and Mrs. DAVIS of California):

H. Con. Res. 213. Concurrent resolution celebrating the outstanding contributions of California's wine industry to the State, the Nation and winemaking as a whole and supporting the goals and ideals of ''California Wine Month''; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. JACKSON of Illinois, Mr. PAUL, and Mr. RANGEL):

H. Con. Res. 214. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur ''Jack'' Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself and Mr. WALSH of New York):

H. Res. 658. A resolution supporting the goals and ideals of Federal Credit Union Month and recognizing the importance of Federal credit unions to the economy, and their critical mission in serving those of modest means; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. COHEN, Ms. MATSUI, and Ms. WASSERMAN SCHULTZ):

H. Res. 661. A resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY:

H. Res. 662. A resolution supporting the goals and ideals of National Assisted Living Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. PAYNE and Mr. SHUSTER.
H.R. 89: Mr. SPACE.
H.R. 98: Mr. ALTMIRE.
H.R. 154: Mr. JONES of North Carolina.
H.R. 160: Mr. SOUDER.
H.R. 211: Mr. ARCURI.
H.R. 229: Mr. BARRETT of South Carolina.
H.R. 303: Mrs. BLACKBURN, Mrs. MCMORRIS RODGERS, Mr. RUPPERSBERGER, and Mr. MICA.
H.R. 371: Ms. LEE.
H.R. 405: Mr. WALDEN of Oregon and Ms. DEGETTE.
H.R. 436: Mr. GARY G. MILLER of California.
H.R. 507: Ms. BERKLEY.
H.R. 549: Mr. WU and Mr. SHUSTER.
H.R. 621: Mr. BISHOP of Utah and Mr. BARRETT of South Carolina.
H.R. 677: Ms. HERSETH SANDLIN.
H.R. 688: Mr. BAIRD.
H.R. 699: Mr. GORDON and Mr. BROWN of South Carolina.
H.R. 724: Mr. HUNTER.
H.R. 726: Mr. SMITH of Washington.
H.R. 743: Mr. CARTER, Mr. YOUNG of Florida, Mr. FORBES, Mr. CONAWAY, Mr. DOYLE, Mr. BONNER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, Mrs. CHRISTENSEN, and Mr. GRAVES.
H.R. 854: Ms. SOLIS and Mr. TOWNS.
H.R. 882: Mr. PLATTS and Mrs. MYRICK.
H.R. 901: Mr. YARMUTH.
H.R. 943: Mr. HILL.
H.R. 989: Mr. KUHL of New York.
H.R. 997: Mr. AKIN, Mr. PICKERING, Mr. BONNER, Mr. KUHL of New York, and Mr. BROUN of Georgia.
H.R. 1029: Mr. GRAVES and Mr. ROGERS of Kentucky.
H.R. 1064: Mr. CONAWAY.
H.R. 1077: Mr. ADERHOLT.
H.R. 1084: Mr. FORBES.
H.R. 1102: Mr. BRALEY of Iowa.
H.R. 1127: Mr. PAUL.
H.R. 1223: Mr. CARNEY.
H.R. 1225: Ms. WOOLSEY and Ms. BERKLEY.
H.R. 1232: Mr. ROGERS of Michigan, Mr. BOSWELL, and Mr. SPACE.
H.R. 1233: Mr. GORDON.
H.R. 1237: Mr. MANZULLO, Mr. BRALEY of Iowa, Mr. ENGEL, Mr. BERRY, and Mr. BOOZMAN.
H.R. 1287: Mr. BERMAN.
H.R. 1302: Mr. FARR.
H.R. 1333: Mr. PERLMUTTER, Mr. REYNOLDS, Mrs. MILLER of Michigan, and Mr. BERMAN.
H.R. 1376: Ms. SOLIS.
H.R. 1400: Mr. FRANK of Massachusetts.
H.R. 1439: Mr. SHUSTER.
H.R. 1512: Ms. ESHOO.
H.R. 1532: Mr. GONZALEZ.
H.R. 1553: Mr. ELLISON, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.
H.R. 1644: Mr. VAN HOLLEN, Mr. HONDA, Mr. ARCURI, Ms. CARSON, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. HALL of New York, Ms. VELÁZQUEZ, Ms. SHEA-PORTER, Mr. BECERRA, Mr. HINOJOSA, Mr. MCNULTY, and Mr. WU.
H.R. 1671: Mr. ELLISON.
H.R. 1767: Mr. MORAN of Kansas and Mr. HAYES.
H.R. 1843: Mr. BLUMENAUER.
H.R. 1876: Mr. ELLISON, Mr. DAVIS of Kentucky, Ms. BERKLEY, Ms. MOORE of Wisconsin, Mr. ROYCE, Mr. HONDA, Mr. KENNEDY, Mrs. DAVIS of California, Mr. HINCHEY, and Mrs. JONES of Ohio.
H.R. 1884: Mr. SPACE, Mr. KLEIN of Florida, Mr. WU, and Mr. KAGEN.
H.R. 1926: Ms. MCCOLLUM of Minnesota and Mr. GONZALEZ.
H.R. 1940: Mr. WICKER.
H.R. 1955: Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. PERLMUTTER, Mr. LANGEVIN, Mr. CARNEY, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. LOWEY, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, and Ms. ZOE LOFGREN of California.
H.R. 1975: Mr. PRICE of North Carolina and Mr. LOBIONDO.
H.R. 1983: Mr. SIRES, Mr. SPACE, Mr. WU, Mr. KLEIN of Florida, and Mr. KAGEN.
H.R. 1992: Ms. WASSERMAN SCHULTZ and Mr. SESTAK.

H.R. 2016: Mr. BRALEY of Iowa and Mr. LOBIONDO.
H.R. 2017: Ms. WOOLSEY and Mr. CLAY.
H.R. 2032: Mr. MURTHA.
H.R. 2038: Mr. PLATTS.
H.R. 2039: Mr. STUPAK.
H.R. 2045: Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. WEINER, and Mr. BOUCHER.
H.R. 2075: Mr. BOREN.
H.R. 2084: Mr. FORBES.
H.R. 2088: Mr. WAMP.
H.R. 2103: Mr. SPACE.
H.R. 2136: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2211: Ms. WOOLSEY.
H.R. 2212: Mr. FILNER.
H.R. 2232: Ms. MATSUI.
H.R. 2236: Mr. BAIRD.
H.R. 2256: Mr. WAMP.
H.R. 2266: Ms. DELAURO.
H.R. 2349: Mr. CONAWAY.
H.R. 2360: Mr. COBLE.
H.R. 2370: Mr. UPTON and Ms. WASSERMAN SCHULTZ.
H.R. 2380: Mr. EDWARDS.
H.R. 2503: Mr. ENGEL.
H.R. 2511: Mrs. CUBIN.
H.R. 2550: Mr. LATOURETTE, Mr. MACK, Mr. MCHUGH, and Mr. FEENEY.
H.R. 2561: Mr. BOOZMAN and Mr. GERLACH.
H.R. 2562: Mr. ADERHOLT.
H.R. 2609: Mrs. GILLIBRAND.
H.R. 2619: Mr. HARE.
H.R. 2668: Mr. ALLEN.
H.R. 2677: Mr. JINDAL.
H.R. 2694: Mr. VAN HOLLEN, Mrs. JO ANN DAVIS of Virginia, and Mr. GERLACH.
H.R. 2702: Ms. DELAURO, Mr. HAYES, Mr. BISHOP of Georgia, and Mr. KENNEDY.
H.R. 2706: Mr. GOODE.
H.R. 2734: Mr. PUTNAM.
H.R. 2758: Mr. FRANK of Massachusetts.
H.R. 2768: Mr. SPACE.
H.R. 2769: Mr. SPACE.
H.R. 2770: Mr. ROSS.
H.R. 2779: Mr. YARMUTH, Mr. WEXLER, Mr. LARSEN of Washington, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. TANNER, Mr. REYES, Mr. DONNELLY, and Mr. COURTNEY.
H.R. 2820: Mr. ROGERS of Alabama.
H.R. 2832: Mrs. GILLIBRAND.
H.R. 2834: Mrs. NAPOLITANO.
H.R. 2927: Mrs. MUSGRAVE, Mr. LAMBORN, and Mr. PERLMUTTER.
H.R. 2933: Mr. FORTENBERRY.
H.R. 2943: Mrs. CAPITO, Mr. PETERSON of Minnesota, and Mr. MCINTYRE.
H.R. 2976: Ms. DELAURO, Ms. ZOE LOFGREN of California, and Mr. ROTHMAN.
H.R. 2989: Mr. SHAYS and Ms. MATSUI.
H.R. 2990: Mr. VISCLOSKY, Mr. SULLIVAN, Mr. SOUDER, Mr. THOMPSON of California, Mr. CROWLEY, and Mr. LARSON of Connecticut.
H.R. 3005: Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mr. PAYNE, Mr. FALEOMAVAEGA, and Mr. MORAN of Virginia.
H.R. 3025: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3036: Mr. SAXTON, Mr. PAYNE, Mr. LOBIONDO, Ms. CLARKE, Mr. HARE, Mr. WU, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. PERLMUTTER, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. GRIJALVA, Ms. WOOLSEY, Mr. KIND, Mr. VAN HOLLEN, and Mr. SIRES.
H.R. 3041: Mr. ABERCROMBIE.
H.R. 3058: Mr. ROSS and Mr. SIRES.
H.R. 3065: Mr. MICHAUD, Mr. ABERCROMBIE, and Mr. HINCHEY.
H.R. 3088: Mr. JONES of North Carolina and Mr. MORAN of Kansas.
H.R. 3090: Mr. DAVIS of Alabama.
H.R. 3099: Mr. DELAHUNT.
H.R. 3111: Mr. HINCHEY, Mr. DELAHUNT, and Mr. STARK.
H.R. 3115: Ms. LINDA T. SÁNCHEZ of California and Mr. GRIJALVA.
H.R. 3145: Mr. WAMP.
H.R. 3168: Mr. ELLISON and Ms. ZOE LOFGREN of California.
H.R. 3197: Mr. WEINER.
H.R. 3202: Ms. WATSON.
H.R. 3204: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3253: Mr. ABERCROMBIE and Ms. CARSON.
H.R. 3265: Mr. HULSHOF and Mr. CLAY.
H.R. 3282: Ms. KILPATRICK, Mr. MCCOTTER, Mr. CUMMINGS, and Mr. JINDAL.
H.R. 3289: Mrs. MALONEY of New York and Mr. SESTAK.
H.R. 3329: Mr. GRIJALVA and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3404: Ms. DEGETTE.
H.R. 3416: Mr. STARK.
H.R. 3432: Mr. MEEK of Florida, Mr. SCOTT of Virginia, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. KLEIN of Florida, Mr. WEXLER, Mr. HINOJOSA, and Ms. WOOLSEY.
H.R. 3446: Mrs. MILLER of Michigan.
H.R. 3448: Ms. LORETTA SANCHEZ of California and Ms. SOLIS.
H.R. 3463: Mr. UDALL of New Mexico.
H.R. 3479: Mr. HUNTER.
H.R. 3480: Ms. BORDALLO and Mr. ROHRABACHER.
H.R. 3496: Mr. KINGSTON.
H.R. 3501: Mr. EMANUEL.
H.R. 3513: Mr. WU.
H.R. 3529: Ms. GIFFORDS and Mr. MCNERNEY.
H.R. 3531: Mr. GALLEGLY, Mr. BOOZMAN, and Mr. GOODE.
H.R. 3533: Mr. GENE GREEN of Texas, Mr. COHEN, Mr. HINCHEY, Mr. NADLER, and Mrs. LOWEY.
H.J. Res. 12: Mr. KING of New York.
H. Con. Res. 28: Mrs. WILSON of New Mexico.
H. Con. Res. 37: Mrs. CAPITO.
H. Con. Res. 75: Mr. MCCOTTER.
H. Con. Res. 83: Mr. CARTER and Mr. FRANKS of Arizona.
H. Con. Res. 122: Mr. WYNN, Mr. CASTLE, Ms. HOOLEY, Mr. DOYLE, Mr. FALEOMAVAEGA, and Mrs. LOWEY.
H. Con. Res. 134: Mr. WAXMAN, Mr. ELLISON, Mr. STARK, Ms. BORDALLO, and Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 176: Mr. RADANOVICH and Mr. GOODE.
H. Con. Res. 183: Mr. NUNES.
H. Con. Res. 193: Mr. KANJORSKI and Mr. KILDEE.
H. Con. Res. 200: Ms. ZOE LOFGREN of California and Ms. ROS-LEHTINEN.
H. Con. Res. 204: Mr. SMITH of Texas.
H. Con. Res. 207: Ms. BORDALLO, Mr. HARE, Mr. MCCARTHY of California, and Mr. SESTAK.
H. Res. 79: Mr. HILL, Mr. MCHENRY, and Mr. KILDEE.
H. Res. 113: Mr. LAMPSON.
H. Res. 128: Mr. PASCRELL.
H. Res. 145: Mr. MATHESON, Mr. MELANCON, and Mr. LAMPSON.
H. Res. 212: Mr. KILDEE, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, and Mr. PETRI.
H. Res. 237: Ms. SUTTON.
H. Res. 282: Mr. HALL of Texas.
H. Res. 356: Mr. HONDA.
H. Res. 573: Mr. CHABOT, Mr. HONDA, Mr. DELAHUNT, Mrs. CAPPS, Mr. OLVER, Mr. BRADY of Pennsylvania, and Ms. WOOLSEY.
H. Res. 587: Mr. GORDON.
H. Res. 616: Mr. MCCAUL of Texas.
H. Res. 630: Mr. JEFFERSON, Mr. MCINTYRE, Mr. PETERSON of Pennsylvania, Mr. MCGOVERN, Mr. MURTHA, Mr. DOYLE, Mr. CARNEY, Mr. ABERCROMBIE, Ms. Bean, Ms. CORRINE BROWN of Florida, Mr. BOYD of Florida, Mr. DICKS, Mr. GENE GREEN of Texas, and Mr. FILNER.
H. Res. 634: Mr. RODRIGUEZ and Mrs. BACHMANN.
H. Res. 635: Ms. BERKLEY, Mr. CLEAVER, and Mr. TOWNS.
H. Res. 640: Mrs. TAUSCHER, Mr. LAHOOD, Ms. BEAN, Mr. HASTERT, Mr. BRADY of Pennsylvania, and Mr. LARSEN of Washington.
H. Res. 641: Mr. BLUNT.
H. Res. 651: Mr. MEEKS of New York, Mr. MACK, Mr. FORTUÑO, Ms. LINDA T. SÁNCHEZ of California, and Mr. SIRES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts or a designee to H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendments to be offered by Mr. Oberstar or his designee to H.R. 2881, the ''FAA Reauthorization Act of 2007'', does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, SEPTEMBER 18, 2007 No. 138

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for the promise of this new day, a gift from Your bounty. We praise You for opportunities to solve problems that keep so many people in life's margins. Please make Your presence felt today on Capitol Hill.

May the whisper of Your wisdom fill our Senators with peace, power, and praise. Infuse them with confidence in Your providence, and in the ultimate triumph of Your purposes. Empower them to see their challenges from Heaven's perspective, and to rejoice that no weapon formed against them will prosper. Give each lawmaker a heightened sense of the special role You have for him or her to play in Your unfolding drama of human history.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by Senator MCCONNELL and me, the Senate will be in a period of morning business for an hour, with Republicans controlling the first half and the majority controlling the second half.

After this period of morning business, the Senate will proceed to H.R. 1124, the DC College Access bill. The bill will be considered under a very short time agreement. Members should expect a rollcall vote around noon or maybe even before that. Upon disposition of the DC College Access bill, the Senate will recess for the regular party meetings.

This afternoon, when the Senate resumes at 2:15, there will be 15 minutes of debate prior to a vote on the motion to invoke cloture on the underlying bill, the DC Voting Rights bill. Of course, if cloture is invoked, the Senate will remain on the motion. If cloture fails, the Senate will resume consideration of the Department of Defense authorization measure.

Mr. President, I would also say with respect to the schedule we have this week, we have a lot of work to do, but the most religious, the most important holiday of the year for those of the Jewish faith, begins this Friday at sundown. Yom Kippur is the holiest of days for Jews all around the world, and there are a number of the Jewish faith who need to be on the west coast by sundown on Friday. Therefore, we will probably not have any votes after about 10:30 or quarter to 11 on Friday. We have a lot of work to do, but this is something that is important and necessary that we do.

LEAVE OF ABSENCE

Mr. REID. Mr. President, Senator BYRD is necessarily absent from the Senate today until approximately 6 p.m. because he is accepting an honorary degree for his late wife Erma at Wheeling Jesuit University in Wheeling, WV.

DC VOTING RIGHTS AND COLLEGE ACCESS

Mr. REID. Mr. President, let me also say this about the remarks I am about to give. This has no negative reflection on my distinguished colleague, the Senator from Kentucky. He and I disagree on a number of issues. We have had longstanding debates here on the Senate floor about how he feels about campaign finance reform. He approaches this on an intellectual basis. I think I am right; he thinks he is right. But it doesn't take away from my respect for his having the right to have an opinion here in the Senate about the issue of campaign finance. The same, I think, on the issue of flag burning, for example. He will disagree with me on the DC Voting Rights bill. That is his privilege. He does it on an intellectual basis, a conclusion that he has reached. So my remarks have nothing to do, in any way, with an intention to denigrate my friend's feelings about this bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Yesterday we celebrated the 220th anniversary of the signing of our Constitution, and I talked about it yesterday. In its preamble, our Founders laid out the values to which our Nation has aspired: justice, domestic tranquility, common defense, general welfare, the blessings of liberty. The Government which has endured, our Government, and served us so well, recognized these goals could only be secured by equal representation. That means the right to vote, the right to elect individuals who will protect and promote our personal rights as well as the national interest.

The universal right to vote was established a long time ago with the 15th amendment, which barred discrimination based on race, with the 19th amendment, which guaranteed the right for women to vote, and with the Voting Rights Act, which ensured enforcement of these laws for people no matter their color.

In 1873, Susan B. Anthony faced trial for voting illegally, a woman who voted. In her defense she said:

> In the first paragraph of the Declaration of Independence is an assertion of the natural right of all to the ballot; for how can ''the consent of the governed'' be given, if the right to vote be denied?

Today the right to equal representation is still denied to residents of the District of Columbia. These nearly 600,000 Americans pay Federal taxes, sit on juries, serve in our Armed Forces. Yet they are given only a delegate in the Congress, not a real voting Member. This is nothing more than shadow representation. This injustice has stood for far too long. We haven't voted on this matter for some 50 years. It is time we did that again. Shadow representation is shadow citizenship.

This afternoon we will move to vote on a bill that honors the residents of the District who responsibly meet every single expectation of American citizenship but are denied this basic civil right in return. I commend Senator LIEBERMAN, who has taken the leadership on this issue for no reason or agenda other than he thinks it is the right thing to do.

I urge all my colleagues to vote for cloture so we can guarantee the full rights of citizenship for District residents.

I also urge my colleagues to support reauthorization of the DC College Access Act, which we will vote on this morning. This provides to District students who would otherwise be unfairly disadvantaged by the lack of in-State universities. It provides scholarships to make up the difference between in-State and out-of-State public universities. It doesn't allow any student to get in who is not qualified. It does allow a differential in the method of paying. The DC College Access Act levels the playing field and unlocks the doors to education and all the opportunity it affords to thousands of American students right here in the District of Columbia.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TODAY IN HISTORY

Mr. MCCONNELL. Mr. President, historians tell us that George Washington's decision to preside over the Constitutional Convention lent instant credibility and respect to the document it produced, and yesterday we recalled the signing of that document upon which this Nation's laws and institutions are firmly built.

Six years later, George Washington would lend his reputation to another enduring work, a white beacon of stone and mortar that inspires us and others around the world more than two centuries later. On this day in 1793, George Washington laid the cornerstone to the United States Capitol. The building would take nearly a century to complete, but the magnificence of the finished product would stand as a testament to the perseverance of generations of Americans, and to the enduring principles it was meant to embody and project. So we pause today to reflect on the many contributions of our first President, not only to this Nation but also to the city that bears his name, not the least of which is this gleaming symbol at its heart.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kansas is recognized.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT

Mr. BROWNBACK. Mr. President, I rise to speak on the DC Voting Rights Act today. It is a tough issue. It is one with which I am familiar. I have chaired the DC Subcommittee both on the authorizing and the appropriating side. I have worked in the District of Columbia on a number of different issues. I reside here when I am not in my home State of Kansas. My home is in Kansas, but I have an apartment that is here, so I am living in the District. I have talked with many people about the Voting Rights Act issue. I am sympathetic with the people of the District of Columbia not having an elected delegate to represent them, although I know very well the lady who is representing them in the House, ELEANOR HOLMES NORTON, who is an outstanding Representative for the District of Columbia, although she does not have the right to vote on the floor. I have worked with her on many issues to rebuild the family structure in Washington, DC with things such as Marriage Development Accounts. I worked with her on revitalizing the District of Columbia with an economic revitalization bill that passed when I first came into the Senate in 1996. I worked with her and others on the schools in Washington, DC, and the deplorable state of the schools in Washington, DC.

I have worked on all these issues and I am familiar with this issue and the Voting Rights Act of 2007. Yet I cannot support this bill. I can and would support a constitutional amendment allowing the District of Columbia the right to vote in the House of Representatives, but I cannot support this Voting Rights Act. I want to speak here on the floor this morning and outline why I cannot vote for it.

Congress has long recognized we can only grant District residents the ability to participate in Federal elections through constitutional amendment. Congress has recognized that. Prior to 1961, for example, District residents were not permitted to vote in Presidential elections. Article II, section 1 of the Constitution expressly provides that the electoral college should be comprised of electors from each State, in a number equal to the State's combined congressional delegation. In the face of this express constitutional language, Congress recognized that a change in the law would require a change in the Constitution itself, looking at the plain meaning of the statute and the plain meaning of the Constitution. That is why, when we granted DC residents the right to participate in Presidential elections, we went about it the right way, by passing what would become the 23rd amendment to the Constitution, allowing DC residents the right to participate in a Presidential election.

We saw the plain meaning of the Constitution and we did the right thing; we amended the Constitution. Just as article II of the Constitution, which deals with the Presidency, limited the right to appoint Presidential electors to the States, article I, which deals with the Congress, clearly and repeatedly limits representation in the House and the Senate to the States. That is what it says. Article I says that the House:

> shall be composed of members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

It requires that each Representative:

> when elected, be an Inhabitant of that State in which he [was] chosen.

It mandated that:

each state . . . have at Least one Representative,

and provides that:

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Rarely do we have an issue in the Senate that has so much plain language from the Constitution involved. This one has a lot of plain language from the Constitution. I believe in strict construction of the Constitution. I think it would be hard for me to call myself a strict constructionist and say that we can, as a Congress, bypass the clear words in the U.S. Constitution and say we are just going to grant these rights to the District of Columbia to have an elected representative voting in the House of Representatives, even though I support that. That is something we should do, but we should do it the right way by amending the Constitution and not the wrong way by passing a law here that is clearly unconstitutional—and I will go through the court cases that have declared it unconstitutional—and then say: We will let the courts sort it out. I am a Federal officer, sworn to uphold the Constitution. I need to do so in this body and not just say I will hand it off to the courts.

Congressional Democrats in 1978 recognized this fact. That year, Congress passed an amendment giving District residents a voting seat in the House. When the House Judiciary Committee, under the leadership of Democratic chairman Peter Rodino, reported out the amendment, the accompanying report properly recognized that ''[i]f the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice.'' Sadly, the 1978 amendment failed to garner the support needed from the States to secure ratification.

We all recognize that amending the Constitution is difficult, but it still remains the right way to deal with something of this nature. I am certainly not alone in concluding that this bill, although well intentioned, violates the plain language of the Constitution. The very court that will hear challenges to this bill under its expedited judicial review provision has previously ruled that District residents do not have a constitutional right to congressional representation.

In Adams vs. Clinton in 2000, a three-judge panel of the Federal District Court for the District of Columbia concluded that the Constitution plainly limited congressional representation to the States. The court explained that ''the overlapping and interconnected use of the term 'state' in the relevant provisions of Article I, the historical evidence of contemporary understandings, and the opinions of our judicial forebears all reinforce how deeply congressional representation is tied to the structure of statehood. . . . There is simply no evidence that the Framers intended that not only citizens of states, but unspecified others as well, would share in the congressional franchise.''

The District residents who brought suit in Adams v. Clinton appealed their case all the way to the Supreme Court, and the Supreme Court affirmed the trial court's ruling. That is the same court which would hear this case.

When Congress granted the DC and territorial delegates a broader role in the House by allowing them to vote in committee, several House Members sued to challenge the delegates' expanded power. In Michael v. Anderson, the Federal court for the District of Columbia Circuit took care to note that their expanded roles passed constitutional muster only because they did not give the essential qualities of House Representatives to the delegates.

In light of the Constitution's clear limitation on House membership to representatives from the States, I cannot vote for cloture on the motion to proceed to this bill. I don't believe we in Congress should act to pass legislation that we know violates the Constitution, essentially passing the buck to the Federal courts to strike down what we never should have enacted in the first place and to strike down what they have already spoken on as recently as 2000. When we neglect our duty to the Constitution, we fail to uphold our oath as Senators to defend this great document.

My friends in the Senate who support this bill rely primarily on two arguments, neither of which outweighs the clear mandate of article II.

First, they claim that another provision in the Constitution, the so-called District clause, allows Congress to essentially grant any sort of legislation related to the District of Columbia, including legislation to give DC residents a voting House Member. This clause permits Congress to pass laws to provide for the general welfare of District residents. This bill, however, does not propose to provide for the welfare of DC residents; it seeks to alter the fundamental composition of the House.

Second, they correctly point out that there are certain instances in the Constitution where references to ''citizens of the states'' have been interpreted to include District residents. Many of these cases, though, involve individual rights, and it is obvious that DC residents do not lose their rights as citizens of the United States by choosing to live in the District. For example, they retain the right to trial by jury. They may bring civil suits in Federal courts against citizens of other States. This bill, however, is not a bill about individual rights such as the right to free speech, freedom of religion, or due process of law. This is a bill about the makeup of the House of Representatives itself. It is about the delicate balance our constitutional Framers struck in affording representation to the States in the House and the Senate. It is about the fundamental structure of our Government. We simply cannot override the clear language of the Constitution which limits congressional representation to the States simply by legislative fiat.

While I sympathize with the supporters of this bill, I also take seriously my duty to the law, to upholding the Constitution. I will support and do support a constitutional amendment allowing DC the right to gain the vote. I do not support this bill as I do not believe it to be constitutional under the clear reading of the Constitution and under recent interpretations by the court.

I yield the floor and 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. VITTER. 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.

The Senator from Louisiana is recognized for 6 minutes.

Mr. VITTER. Thank you very much, Mr. President.

WATER RESOURCES DEVELOPMENT ACT

Mr. VITTER. Mr. President, I rise today to again urge the entire Senate, and particularly the majority leader, to get the WRDA bill, the Water Resources Development Act, onto the floor of the Senate absolutely as soon as possible for passage.

Of course, I represent the State of Louisiana. A little while ago, on August 29, we commemorated—certainly did not celebrate but properly commemorated—the 2-year anniversary of Hurricane Katrina. A little while from now, on September 24, we will similarly commemorate the 2-year anniversary of Hurricane Rita, which devastated southwest Louisiana, South Acadiana, as well as southeast Texas.

Of course, the Nation and this Congress, this Senate, has done an enormous amount with regard to hurricane recovery. But we all know that challenge and that work continues. There is nothing more important with regard to that work, with regard to ensuring good, strong hurricane flood protection in the future—unlike we have had in the past, clearly, in light of Hurricane Katrina—than passing this water resources bill.

As you know, it has gone through every stage of the process except passage on the floor of the Senate. We had a Senate bill. We had a House bill. We had a conference committee. We had deliberations of the conference committee. I was honored to serve on that conference committee and helped finalize the final conference committee report.

Even before the August recess, the House of Representatives passed that conference committee report. So now all eyes are on the floor of the Senate. That is where we must finish the job. That is why I urge Senator REID and others to put the WRDA bill on the floor of the Senate as soon as possible.

Recently, on September 6, I sent Senator REID a letter, following up on numerous discussions we have had with other Members, urging him to put the bill on the floor as soon as possible, certainly during September. Again, I come to the floor of the Senate to urge the Senate leadership to do that in light of the crucial nature of this bill for continued recovery, hurricane flood protection in Louisiana.

I am particularly disappointed this week that is not happening while we go to other business, including the DC voting rights bill. Now, there are folks very interested and focused and committed to that DC voting rights bill. That is their right. I have no particular quarrel with that. I am going to vote against it because I sincerely believe it is clearly contrary to the U.S. Constitution. But that is a legitimate disagreement, and we can debate about that and have that legitimate disagreement. I do not quarrel with their focus and their passion. I do, quite frankly, quarrel with putting that on the floor of the Senate before the WRDA bill, when that WRDA bill and significant provisions in it are life and death to south Louisiana, to our recovery in the wake of Hurricanes Katrina and Rita.

Those events, 2 years ago last month and this month, make passage of the WRDA bill a true emergency priority for this body. The same cannot be said of the DC voting rights bill or other things that are being considered for Senate floor action. Again, those other measures—the DC voting rights bill, in particular—have their proponents, and that is their right. I do not quarrel with their passion for that. But that is not the sort of real emergency as we face in Louisiana with regard to the protection we need.

We are in the midst of a hurricane season. We are at the peak of a hurricane season. Yet we continue to be years and years overdue for this WRDA bill and all the very significant provisions it contains for our people, for our State, for our vanishing coastline.

So, in closing, I again urge the majority leader to put the WRDA bill on the floor of the Senate as soon as possible, and absolutely this month, and to establish the right priorities for this body and for this country, including that very important effort which I believe should be on the floor of the Senate, should gain action, should gain focus before other measures, including the DC voting rights bill.

With that, I yield the floor. 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. DURBIN. 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.

PRIVATE SECURITY CONTRACTORS IN IRAQ

Mr. DURBIN. Mr. President, there was an event that occurred yesterday in Iraq which is significant. A decision was made by the Iraqi Government to order a private security firm known as Blackwater USA to leave the country. It involved the fatal shooting of eight Iraqi civilians following a car bomb attack against the State Department convoy. I don't know the circumstances of that attack, nor do I know the circumstances that led to the killing of these innocent civilians. Only a thorough and fair investigation will bring us to any kind of closure on this particular matter.

What happened yesterday is going to dramatize to the American people something significant that has occurred in this war in Iraq. For the first time, we are seeing massive numbers of private security contractors who are at work for the U.S. Government in Iraq. They are in a security or quasi-military capacity. I have been to Iraq three times. They are often dispatched to provide security for visiting members of the Cabinet and Members of Congress. I will say at the outset that although I have serious misgivings about Blackwater as an organization, the individual men who have dedicated their lives to this service are risking their lives in the process, and their courage and bravery to step up is something that should be acknowledged and never diminished.

But what this matter will bring to light is the fact that this security contractor, Blackwater, has enjoyed a charmed existence with the Bush administration from the start. This is another example of a firm which has been given millions of taxpayers' dollars to do a job in Iraq without accountability, without the kind of disclosure—basic disclosure—which American taxpayers deserve and demand. The circumstances of these contracts, the particulars involved in them, and the standards that are applied to them are in a shadowy world that has been kept away from the public eye by the Bush administration from the start. That is not only unfortunate, it is unfair, and we need to do something about it as a government.

This operation, Blackwater USA, started by Mr. Erik Prince of Michigan, has been politically affiliated with this administration for a long time. Now that there have been questions raised about the conduct of their operations, they have brought in some of the biggest political heavy-hitters in Washington to keep their operations cloaked in secrecy and veiled so that the American people don't know what they are all about. They do it in the name of security and classified information at a time when we need more transparency and more openness and more accountability.

These security contractors are often paid three times what ordinary soldiers receive. The rules they operate under are much different than those our military faces every single day in Iraq. They are given mundane tasks in many instances and paid enormous sums of money to perform them—to transport kitchen equipment, for example—in Iraq at great expense to our Government.

Several years ago in Fallujah, there was a terrible incident involving several Blackwater contractors. These contractors were guarding kitchen equipment that was being transported across Fallujah when they were ambushed and killed. It is hard for anyone to forget the images that followed. Their bodies were dragged out of their vehicles, and they were beaten and burned and hanged on a local bridge. There were newscasts and videotape around the world of this heinous and barbaric act. As a result of it, our Government made an invasion of Fallujah and put at risk thousands of American troops to bring some order to that scene.

What is not well known is that the families of those Blackwater security forces—contractors—who were killed in Fallujah believe their loved ones were put in harm's way by this company, by Blackwater. Blackwater had promised to these contractors that if they would come to Iraq, they would be given armored vehicles, adequate protection, and adequate equipment. In fact, that was not the case. Many of the same contractors who were at risk were complaining about this. In fact, one who died that day had made a formal request of the leadership of Blackwater to make good on their promise to protect their employees who worked for Blackwater. They lost their lives.

Their families then went to court trying to make sure Blackwater was held accountable. As the mother of one of these contractors and former Navy SEAL said, it wasn't about the money, it was about accountability and to make sure Blackwater, a company that was very profitable through this administration and this war, actually protected its employees. Well, I need not tell you that they faced an uphill struggle with their lawsuit, which is still pending. Blackwater refused discovery, refused to disclose information, made every effort they could to keep material witnesses away from this trial and this proceeding, and unfortunately, the facts have never come forward as they should for all of us to understand.

Where the Blackwater security contractors were promised armored vehicles, in fact, they were given SUVs with little protection. Where they were promised to have groups to protect them, they were sent into harm's way with inadequate numbers of forces.

Time and again, this contractor, profiting from our Government, profiting from this administration, didn't provide the basic protection it promised to its own employees.

I believe it is time for this Congress to open this door, to lift this lid and look inside, about the security contractors who are at work in Iraq today at the expense of our Government. We need to know how many are working. We need to know what rules they operate by. We need to know what incidents they have been involved in. America is held accountable for their conduct. Even though they may be private sector employees, for every Iraqi, I am sure they look at them as symbolizing and representing the United States of America.

It is our responsibility to ask the hard questions about these security contractors, what they are doing, and whether anything improper has occurred. The Iraqi Government has reached this conclusion and asked them to leave. I will be surprised at the end of the day if they do leave. They are so closely connected to the highest levels of this administration, it is hard to imagine they will actually leave the country even after the Iraqi Government has called publicly for that to happen.

So I have asked the leadership on the Democratic side to look into the security contractor arrangements, as well as the Blackwater USA company in particular, to get down to the bottom line and the basic question as to whether these people who are involved in this conduct have done things that really don't advance the cause of peace and stability in Iraq. That is a legitimate question which should be asked of every contractor involved in business in Iraq.

We know for the last 5 years on Capitol Hill hard questions were not asked. There was little or no oversight by this Congress asking whether our taxpayers' dollars were being well spent, whether the right decisions were being made. Sadly, we find ourselves mired in a war that has cost us almost 3,800 American lives, with more than 30,000 injured, with no end in sight. It has been a colossal foreign policy mistake—one that we will pay for for generations.

Despite the heroism of our men and women in uniform day-in and day-out, policymakers in Washington have let them down. This President made an appeal to the American people the other night to allow him to stay the course until he can leave office. To think that 130,000 soldiers will still be in Iraq next year is really unacceptable. We have pushed our military to the absolute limit. I have been there. I have talked to them. I have met with their families. I have talked to the support groups back home. I have visited the veterans hospitals. I have seen these soldiers on the battlefront as well as back home, and they have paid a heavy price for this war. The President suggests that we just keep 130,000 troops there indefinitely until he finds what he can define as success, but that isn't good enough. We have to make sure we are sensitive to these soldiers and the toll that is being taken on them personally.

I am sorry to report that the divorce rates among American enlisted personnel now are twice what they are normally, and among officers three times. The suicide rate is the highest it has been since Vietnam and, unfortunately, those who are subject to multiple deployments come back and face many needs for health care and counseling. That is the reality. We are now paying the highest cash incentives ever in our history for people to enlist and to reenlist. Mr. President, $10,000 is common. If a 19-year-old soldier will agree to show up in 6 weeks or so, they double it to $20,000 in cash—to someone fresh out of high school. We have changed a lot of rules of eligibility for service in our military. Unfortunately, we are pushing them to the absolute limit. That is part of the reality of where we are today in Iraq. It is a reality which the President did not address when he spoke to the American people last week.

This event yesterday, where Blackwater was expelled by Iraq's Government, should be a wake-up call to this administration and this Congress to provide the kind of meaningful oversight of these private security operations, to ask whether these men and women who were under our employ, as employees of our Government through private contractors, have stood up and done the right thing for our Nation. Many have, but those who have not have to be held accountable.

Mr. President, SPC Darryl Dent died in Iraq on August 26, 2003, when an IED exploded under his humvee. Specialist Dent—21 years old—had hoped to go to medical school one day. He was the first National Guard member from his hometown to die in combat since Vietnam.

LCpl Greg MacDonald died in Iraq on June 25, 2003, when his humvee rolled as he and six other marines raced to rescue American soldiers caught in an ambush. Lance Corporal MacDonald—29 years old—had a master's degree and hoped to make a career in foreign affairs and help create peace in the Middle East.

MAJ Kevin Shea, a veteran of the first gulf war, was killed by rocket fire in Al Anbar province on September 14, 2004—his 38th birthday. He was promoted posthumously to lieutenant colonel, making him the highest-ranking marine killed in the war in Iraq at that time.

Army Reserve LTC Paul Kimbrough was a lawyer who once worked for a Member of the House of Representatives and even ran unsuccessfully for a House seat himself. He was in Afghanistan, overseeing improvements to living conditions for our soldiers at Bagram Air Base, when he suffered a fatal heart attack on October 3, 2003. He was 44 years old.

CAPT Darrell Lewis grew up in a tough housing project, earned a scholarship to a private high school and another scholarship to college. He graduated, joined the Army and rose quickly through the ranks. Three months ago, on June 23, he died in Vashir City, Afghanistan, when his unit was attacked by insurgents using RPGs, mortars and small arms fire. Captain Lewis was 31 years old.

What did these five fallen warriors all have in common, besides their devotion to duty and to our Nation? A hometown. At the time of their deaths, all five were residents of the District of Columbia. They died trying to bring democracy to Afghanistan and Iraq, but they did not have the legal right to participate fully in our American democracy. That is wrong. This week, we have an opportunity to right this wrong.

This week, for the first time in nearly 30 years, the U.S. Senate will take up a bill to grant the citizens of the District of Columbia, our Nation's Capital, a voting member—one voting representative—in the U.S. House of Representatives. I am one of the cosponsors of the bipartisan District of Columbia House Voting Rights Act of 2007.

Our aim is to not to strengthen the hand of either political party, but to strengthen American democracy. For that reason, the DC House Voting Rights Act would also create an additional House seat for the State of Utah.

DC VOTING RIGHTS

Mr. DURBIN. Mr. President, a little later this morning, we are going to face an important debate on the DC House Voting Rights Act. It is one that I support. It is a cause that I have supported for a long time. It is unimaginable that nearly 600,000 Americans have no voice and no vote in Congress today. But it is a fact. It reflects decisions made long ago about whether the District of Columbia and its residents would be represented in Congress. There is good reason why they should be.

I was saddened to learn this morning that President Bush has threatened to veto this bill. He will ask men and women in the District of Columbia to fight and risk their lives so the people of Iraq and Afghanistan have a right to vote, but he has threatened to veto the bill which gives those same soldiers the right to vote for congressional representation of their own. That is unacceptable.

The President says he has constitutional concerns. He and other opponents of the DC House Voting Rights Act point to language in the Constitution that says that the House of Representatives will be composed of members chosen by ''the people of the several states.'' They argue that the District of Columbia is a district, not a State.

It is a weak argument at best. Our Federal judiciary has long treated the District of Columbia as a ''State'' for many purposes. For example, the 16th amendment of the Constitution grants Congress the power to tax our incomes, ''without apportionment among the several states.'' The 16th amendment has been interpreted to apply to DC residents; the Federal Government can and does require residents of Washington, DC, to pay Federal income taxes.

DC residents are also required to serve on Federal juries and register for selective service. Why should the right to vote be any different?

I think when we look at this basic purpose, the right to vote for congressional representation, the people who live in Washington, DC, deserve it.

Do opponents of DC voting rights believe that residents of America's Capital City should bear the full responsibilities of citizens but do not deserve the full rights of citizens?

It is not just Democrats who believe the DC voting bill is constitutional. Several prominent Republicans, including Kenneth Starr, Jack Kemp, and Viet Dinh, principal author of the PATRIOT Act, have testified that the bill meets constitutional muster.

Yesterday, September 17, marked the 220th anniversary of the signing of the U.S. Constitution. This is a time to celebrate the genius of the Framers who had the vision and insight—in the year 1789—to lay the foundation for what has become the world's oldest democracy.

The Constitution our Framers gave us was a brilliant document—but not a flawless one. It denied full participation in our democracy to the people of Washington.

Over the past two centuries, we have refined the Constitution to expand the right to vote to all Americans. We have expanded freedom. Some expansions of voting rights have come as a result of constitutional amendment. In other cases, Congress has expanded the right to vote by statute.

Just last year, this Congress reauthorized the Voting Rights Act, which another, courageous Congress first passed in 1965. The Voting Rights Act is often considered the most important civil rights law ever passed by Congress. It removed poll taxes and dismantled Jim Crow.

A few weeks ago, on September 5, the Senate Judiciary Committee—on which I serve—held a hearing to celebrate the 50th anniversary of the Civil Rights Act of 1957. One of the witnesses at that hearing was a hero of mine and a giant of our civil rights movement: Representative JOHN LEWIS of Georgia.

Representative LEWIS testified about discrimination against African Americans when he was growing up in Alabama. He talked about the inspiration he drew from meeting Martin Luther King, Jr. and Rosa Parks. He talked about how far we have come as a nation when it comes to the treatment of African Americans and persons of color. And he talked about the progress we have made when it comes to voting rights.

JOHN LEWIS was nearly beaten to death on the Edmund Pettus Bridge in Selma, AL, marching for voting rights in 1965. He put his life on the line for the right to vote. So I think we should take special note of what JOHN LEWIS had to say when he was asked at the Judiciary Committee hearing about the bill that would create voting rights for the residents right here in Washington, DC.

JOHN LEWIS said the following:

> [W]e are going to say to the District of Columbia, where people leave this district, leave this city, they go and fight in our wars, and then they cannot participate in the democratic process. That is wrong.

The Senate can heed those words this week. The Senate can give the residents of Washington, DC, a voice in Congress.

For two centuries, Washington, DC, residents have fought and died in this Nation's wars, often suffering among the highest casualty rates.

Twenty-three Washington, DC, residents have been killed or wounded in Iraq and Afghanistan.

Haven't the residents of this city earned the right to have their voices heard, and their vote count, in the House of Representatives? Haven't the people of Washington, DC, waited long enough?

Washington, DC, is the only capital city in the world whose citizens do not have voting representation in their national legislature.

For over 200 years, Washingtonians have been mere spectators to our great democracy.

In the course of our Nation's history, we have many times expanded freedom and expanded voting rights to people whom our Founders, in their incomplete genius, left out.

This week, we have an opportunity, and an obligation, to take another important and long overdue step forward in the historic struggle for voting rights by giving the residents of the District of Columbia a vote in the U.S. House of Representatives. Let us vote for the right to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1124, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

Mr. AKAKA. Mr. President, I rise to speak in support of H.R. 1124 and the opportunity it provides for DC's college-bound students. The reauthorization of the District of Columbia College Access Act of 1999 would continue a successful and effective scholarship program.

The DC tuition assistance grant program, or DCTAG, provides scholarships to cover the difference between in-State and out-of-State tuition for eligible DC residents attending any public college or university in the country. DCTAG awards those recipients up to $10,000 annually and $50,000 total in tuition assistance.

The original purpose of the bill was to address concern that college-bound students in the District were at a disadvantage because DC lacks a State university system. DCTAG expanded higher education opportunities by allowing students to attend public universities and colleges nationwide at in-State tuition rates.

The original bill also allows students to attend a limited number of nonprofit private schools to receive scholarships of up to $2500 annually and $12,500 total. Students who attend any historically black college or university or any private school in the District, Maryland, or Virginia qualify for private school grants. The 2002 reauthorization clarified that the grants were only for U.S. citizens residing in DC.

The success of the program is clear. Since the launch of DCTAG in 2000, participation among DC residents more than doubled from 1,900 recipients to 4,700 recipients. DCTAG has awarded 26,000 grants totaling over $141 million to 9,769 District students. I am pleased to say that a few of those grants went to students attending the University of Hawaii at Manoa in my home State.

Not only are more students receiving grants; more are going to college. The college enrollment rate for DC public school students has doubled to 60 percent and 38 percent of students in the program are the first ones in their family to attend college. DCTAG affords many District residents a chance to go to college when they otherwise would not be able to afford it.

In July, my Subcommittee on the District of Columbia held a hearing with the Mayor and his education leadership team on their reform proposal for the public school system. They offered a realistic picture of DC public schools and a realistic vision for accountability and reform.

The Chancellor of Education, Michelle Rhee, and the Mayor are working very hard to improve the unacceptably low performance of DC students by recruiting talented teachers, reforming the administrative offices, and repairing crumbling schools. They deserve all the support that the Congress can provide in their efforts.

As the cost of college tuition continues to rise at both public and private institutions, this scholarship program offers the District's students hope that if they perform well in high school they can have the same opportunity to access affordable, public, higher education as students in Virginia, in Maryland, and across the country.

Students who know they have the opportunity to go to college are more likely to perform well in high school. The DCTAG program supports the Mayor's efforts to improve DC public schools by offering students the chance to go to college at a minimal cost to the Federal Government.

The DCTAG bill was reported out of committee in February, and now is the time to finally get it passed. I understand my colleague and fellow committee member, Senator COBURN, has asked that two amendments to the legislation be considered.

The first amendment would modify the eligibility standard for the scholarship recipients to exclude any student whose family earns an income of $1 million or more. Despite the high income threshold, I am concerned about starting down the road of making this a needs-based scholarship program. The program is designed to provide all DC residents access to a range of higher education institutions. I have agreed to accept this amendment despite my misgivings for the sake of the entire program's reauthorization.

The second amendment, however, I am not prepared to accept. It would threaten the integrity and success of the program by increasing the grant amounts for private schools. Nearly 10 times the number of students in the program attend public schools versus private schools, and an increase in the grant amounts for private schools would reduce the overall available funding. Fewer students would be able to participate in the program, and lower income students trying to attend more affordable public schools, in particular, would be significantly burdened, in some cases, potentially, being forced to forego college altogether.

For many students, the importance of this program in defraying out-of-State tuition costs means the difference between attending college or not. I cannot support this amendment, and I urge my colleagues to vote against this amendment as well.

DCTAG has helped thousands of DC students who receive postsecondary education. Its credibility and its effectiveness is evident.

I urge my colleagues to support the bill and oppose Senator COBURN's second amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, today the Senate considers, as my good friend, Senator AKAKA, has mentioned, H.R. 1124 that will reauthorize the District of Columbia Tuition Assistance Grant Program. Senator AKAKA and I have been working on this legislation for quite some time and both believe it is one of the most significant efforts the Congress has made to help students of the District of Columbia.

I thank both the majority leader and the minority leader for allowing us to move this bill forward today. This bill passed the House in May by a vote of 268 to 100. Earlier this year, we introduced the Senate companion bill sponsored by Senator AKAKA, Senator BROWNBACK, Senator LANDRIEU, Senator LIEBERMAN, and Senator WARNER offering this needed reauthorization. I thank the Senator from Hawaii for his cosponsorship of this legislation.

I understand the special relationship between the Federal Government and the District. Congress shares the responsibility of making certain that the Nation's Capital remains a socially, economically, and culturally vibrant city. As a former mayor and Governor, I also believe that education is one of the most important factors in ensuring this Nation's future. Thus, one can imagine my dismay when I came to Washington, the shining city on the Hill, and learned that only 43 percent of students entering the ninth grade graduated from high school and even fewer go on to college. One would have thought that our Nation's Capital, the most powerful city in the world, would be the home for a first-class education system.

I am very concerned about the dropout rate in our Nation. America cannot afford to have urban schoolchildren drop out of school and become wards of society. Unless this situation changes, we are planting the seeds for social unrest. As the United Negro College Fund says, a mind is a terrible thing to waste.

Concerned with the future of the District's children, Representative TOM DAVIS and I crafted the District of Columbia College Access Act which created the DCTAG Program, tuition assistance program. I consider the creation of the DCTAG Program to be one of the most worthwhile efforts I have done since my time in the Senate.

The aim of the DCTAG Program is to level the playing field for high school graduates in the District of Columbia who do not have access to a comprehensive, State-supported education system by assisting them in attending college. Before the DCTAG Program, DC students were the only students in the United States—the only ones in the United States—with a limited State higher education system. As a result, few District graduates went on to attend college.

Beginning in 2000, DCTAG scholarships have been used by District students to cover the difference between instate and out-of-State tuition at State universities. Senator AKAKA has already explained the limitations on the program, but it provides up to $10,000 per year for out-of-State tuition, with a cap of $50,000, and $2,500 for private schools, with a cap of $12,500.

Again, the way this has worked out is the District has seen an unprecedented increase, a 60-percent increase in college attendance. No other State in the Union can make this claim. Think about that: a 60-percent increase in college attendance. More than 1,500 DCTAG recipients have graduated from college. In my State of Ohio, there are currently 74 District students attending 11 universities, including Ohio State, Kent State, and Bowling Green State University. I truly believe the majority of the students would not be attending colleges and universities in Ohio without the DCTAG Program.

I am particularly proud of the fact that many DCTAG recipients are the first in their family to attend college. In a survey of students attending the District's H.D. Woodson High School, 75 percent of the respondents felt DCTAG made a difference in their decision and ability to continue their education beyond high school.

I know how important this is because in my own situation, my father was raised by foster parents. It didn't look as if he would have a chance to go on to college. His principal and social studies teacher came out to see the man who was the foster parent, who wanted my dad to quit school at 16 and be a laborer. The principal and social studies teacher said: No, keep your George in school. They found him a job at night. Then they also helped him obtain a scholarship from Kroger. He went on to Carnegie Tech to become an architect. I don't know what would have happened if it had not been for those teachers intervening and for that Kroger scholarship. His life would have been quite different.

Sixty-five percent of the kids indicated that the existence of the program enabled them to choose a college that would best suit their needs.

Erica, who attends Virginia State University and is supported by her grandparents living on a fixed income, said:

> Without the help of DCTAG, I would not be able to attend college.

And Randa, a full-time single working mother, said:

> The support I received is unmatched. DC–TAG made my future come true. Before hearing of the grants that existed, I had no intention of pursuing higher education, let alone attending a private school that ranks in the top 10 across the Nation. This contribution to my life has inspired me to help others as I have been so richly blessed.

These stories and many other successes of the TAG Program have resulted—and this is really important, Mr. President—in the private sector taking a vested interest in improving opportunities for the kids in the District.

A public-private partnership modeled after the Cleveland Scholarship Program, called the District of Columbia Access Program, or DC–CAP, was established in 1999 by Don Graham of the

Washington Post and other Washington area corporations and foundations to assist the District high school students with their enrollment in and graduation from college.

DC–CAP is privately funded, a nonprofit organization. It provides full-time counseling and financial assistance, available throughout their college career, to students who otherwise might never have the opportunity to go on to college.

To date, DC–CAP has disbursed more than $10 million, funded 5,300 students, and provided counseling services to 71,000 people. Similar to the population served by the DCTAG Program, the majority of students served are from low-income, minority, single-parent households, with many the first in their family to attend college.

It is important to understand that without the DCTAG Program, we would not have the DC–CAP program. They were so impressed with the fact that we were willing to step up and do something and give these kids an opportunity for higher education that they said the private sector ought to step in, and they created the public-private partnership.

Building on the success of the DCTAG and the public-private CAP program, the Bill and Melinda Gates Foundation announced this year a $122 million grant program aimed at improving urban education in the District. The program, known as the DC Achievers Program, represents one of the foundation's largest investments to date in education, with the intention of becoming a model for other communities throughout the United States. They chose the District because of the fact that we had DCTAG and the CAP program.

The scholarships are designed to jump-start the low high school and college graduation rates among students living in certain DC neighborhoods. They are going to concentrate their attention in two regions of the District where there is a 66-percent dropout rate. Think of that. I am hopeful that with these programs continuing, we are going to really make a big difference in the District.

In addition to the programs I have just mentioned, we have America's first federally funded scholarship program that was created as part of the DC Choice Incentive Act of 2003. Under this program, each District scholarship student receives up to $7,500 per year for tuition, transportation, and fees so they may attend a nonpublic school. Last year, more than 1,800 kids participated in this program at 66 nonpublic schools in the District, and a number of these students have used the DCTAG tuition grants to help their dream of a higher education become a reality. And it was available to them.

In 1996, we created the charter schools in the District. Today, over 13,000 students are attending 34 charter schools in the District. In other words, we are really starting to make some progress. Supporting the Charter Schools Program is the Federal City Council, a nonprofit organization composed of and funded by approximately 200 local businesses and educational leaders. It is chaired by former Oklahoma Gov. Frank Keating. Members of the President's Cabinet and a number of key Federal officials serve as trustees. That council has spearheaded the business community's support for reforming the District's public school system. In other words, we are bringing together tremendous resources today where we are going to try to make a difference in an urban district in this country—there are about 65,000 kids today in the District—make a difference in their lives so that maybe in the next several years, we can start talking about an urban education system that actually works.

That is why this reauthorization is so very important not only to the District, but it could be the model for the rest of the United States of America. We have to break this dropout rate we are having in urban school districts or this country is in deep trouble.

So I say that it is successful because we have brought together the public and private sectors to make a difference. That is what it is. In other words, we realized that the District's school system is just one thread in this community, and if it is going to be successful, it is going to take their Federal partner and it is going to take their private partner working together to make a real difference for the kids in this community.

The Senator from Hawaii, Mr. AKAKA, mentioned the fact that we brought on Michelle Rhee, who, by the way—I tell you, if it wasn't for DCTAG, if it wasn't for CAP, if it wasn't for the Gates Foundation, if it wasn't for some of the other efforts, I do not think we would have been able to land her. She is terrific. She sees this potential—this young woman, dynamic as all get out—she sees the potential.

I yield the floor, Mr. President. The Senator from Oklahoma has an amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, my reason for offering amendments is not in opposition to this bill's goal. I think the Senator from Ohio and the Senator from Hawaii know that. But there are two really blatant things wrong with this bill.

There is a limited amount of money. Everybody will agree we have allocated—it is going to be about $38 million this year that is going to go for this program. That is what the spendout is going to be. Right now, 20 families who make over $1 million a year are taking an opportunity from 20 families who are below the poverty level. Twenty families right now with household income greater than $1 million a year are taking this program. Why would we have a program that says to the richest in this country that we are going to pay for their college education and we are going to do it on the backs of the poorest in this country? These 20 people who are in college today whose families make more than $1 million a year are stealing an opportunity from 20 kids. Nineteen percent of the District lives under the poverty level. So we are taking from them because we do not have an earnings test on this program.

I put in an amendment, which I am going to call up in a minute, because it is ridiculous to think that somebody earning $1 million a year cannot afford to pay for their kid's college. But the amendment should have been at $300,000 or $400,000 a year, because when you extrapolate that number, you get 400 or 500 kids who are now taking the opportunity from kids who have no income or are living below the poverty level.

So the idea of helping people in the District and enticing people to come to the District to get an education is a great idea. There is not a thing wrong with this program. But it is very shortsighted to say we don't want to put an earnings test on something because it might change the program. The fact is the program is being changed by the wealthy taking advantage of it to the disadvantage of the kids who can't get this grant.

I read in the paper this morning that the House is going to object to a million-dollar-per-year earnings test on this program. Just do a little finger commonsense poll and talk to the American people. Do they think their taxpayer dollars ought to be spent on sending somebody to college whose parents make $1 million a year? The answer to that is a resounding ''no.'' So why would we have any resistance at all in the House or this body to putting an earnings limit at $1 million? It makes no sense.

The second problem with this bill is we have discriminated against historically Black, private, nonprofit universities because they are private: Morehouse State, Spelman College, Stillman College, Tuskegee. Yes, we will let you go if you are from Washington, DC, if you want to go to those, but we are only going to give you $2,500. We are not going to give you $10,000 because it is a private nonprofit. We are going to limit your ability to embrace your culture at one of the historically Black colleges because it happens to be a private, nonprofit university. We are going to say you can only have $2,500. And by the way, if you have a good reason that you might want to pursue a field of study that is not offered at one of the universities, the State publicly supported universities, but is offered at a private college, we are going to discriminate against you again. We are going to say we will give you $2,500.

What we are doing is we are putting a carrot out there and saying, you can't quite get to the carrot. You can't quite get to that carrot. Why would we

discriminate against private and nonprivate, if a child wants to seek a certain level of education that is not available anywhere except that? If we want opportunity for these kids, we ought to give them opportunity and we ought to let the choice be theirs. Let them choose where to go.

If they want to go into bioneurologic sciences, where can they get that? A private university. They can't get it at a public university. If they want to go into some other area that is not available to them in a public fashion, through a public university, we are going to say, yes, you can, but you get 75 percent less benefit than everybody else gets because you choose to go into a field of endeavor that may be highly sought after but it is not offered at a public university.

So the idea behind the bill is good. The goal of increasing what the chairman and ranking member wanted to do in terms of DC is right, it is right-headed, but if we were thinking about how do we help the most kids, we wouldn't let the first dollar go to parents making $500,000 a year or $300,000 a year. We would let it go to the kids, this 20 percent of the population who lives under the poverty level. That is where we would send the money.

What we are saying here is, in the namesake of not wanting to change and not allow the flexibility for more impoverished children to get that college education, we don't want to change. We don't want to allow a young African-American male to go to Morehouse College, because we are going to give him $7,500 less a year to go there than if he chose some other university. Why would we not want to enhance that culture for him?

AMENDMENT NO. 2888

Mr. President, I ask unanimous consent that any pending amendment be set aside, and I call up amendment No. 2888 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2888.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Federal Government from favoring public colleges and universities over private colleges and universities under the District of Columbia College Access Act of 1999)

At the end of the bill, add the following:

SEC. 2. NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.

Section 6 of the District of Columbia College Access Act of 1999 (113 Stat. 1327; Public Law 106–98) is amended by adding at the end the following:

''(i) NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.—In awarding grants under this Act to eligible institutions, the Mayor shall pay amounts, on behalf of eligible students, that are equivalent regardless of whether the students attend a public or private eligible institution.''.

Mr. COBURN. Mr. President, this is the amendment that says, let's don't discriminate against the private schools. Let us let the kids go where they want. Let us give them an equal shot at Morehouse, at Tuskegee, at Spelman, and Stillman. Let us let them have an equal shot to go there as well as everywhere else. We have decided you can't. We are going to make you more disadvantaged to go to someplace that is culturally better for you.

So I would ask reconsideration on the part of the chairman and the ranking member for this amendment. It makes sense, it is equal, and it treats every sought-after degree the same. We don't discriminate between private and public. It doesn't change where the restrictions are already. It doesn't say every private university in America can have it. What it says is, if we are going to hold this apple out in front of you and say here is your education, we are going to give you a fair shot whether you want to go to a private school or a public school that is on the list. We are going to treat you the same, and we are going to hope that no matter which one you attend that you finish that education and come back and become a productive citizen contributing to DC.

That is what this is about. It is not about expanding the realm of private universities. It is saying that if I choose to go to Morehouse State, I should get the same treatment as if I choose to go to Oklahoma State or Ohio State or the University of Hawaii. I get the same treatment. Don't give me part of an apple, give me the whole apple. Give me everything.

AMENDMENT NO. 2887

Mr. President, I ask unanimous consent that amendment No. 2888 be set aside, and I call up amendment No. 2887.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2887.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt millionaires from receiving educational scholarship funds intended for needy families)

At the end of the bill, add the following:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) is from a family with a taxable annual income of less than $1,000,000.''.

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking ''through (F)'' and inserting ''through (G)''.

Mr. COBURN. Mr. President, this amendment says if you make $1 million a year, we shouldn't be paying for your kids to go to college. The rest of the American taxpayers shouldn't.

I am disappointed to hear from the House that when they get this, when we get to conference, they are not going to accept it. It is amazing to me that anybody in this country would think that the Federal Government—all of us collectively—ought to pay for their children's education. If we are going to do that, then let us pay for everybody's education across the country.

But that is not what this bill is about. This bill is about trying to direct funds to those kids who won't have an opportunity for college without these funds. And by giving those funds to the well-to-do families who do not need or require our help to send their children to college, we are stealing opportunity from those kids. There is a limited amount of money. Everybody knows that. There is a limited pie here. And for those 20 times 50,000, that $1 million is not going to be spent on somebody living below the poverty level wanting to get out and wanting to move up.

I understand it is the chairman and ranking member's opinion that they will accept this amendment, so I graciously thank them for that, and my hope is you would hold this as we discuss this with the House. It is ludicrous to take this away from people who don't have means.

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

The PRESIDING OFFICER. Under the previous order, amendment No. 2887 is adopted.

The amendment (No. 2887) was agreed to.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, the Senator from Hawaii and I have accepted the amendment that limits the participation of people in this program to those who earn less than $1 million, but the fact is what we tried to do when we put this program together was to mimic what we were doing in States today around the country. In my State, we have a very robust higher education system, but we do not have an income level that establishes who can participate and who can't. I suspect there are people in Ohio who have kids at Ohio State University who are subsidized and who may make over $1 million or make $350,000. But our State has chosen not to have an earnings limit as a matter of public policy. I suspect if you go around the country, you will find that is the case just about everywhere you go.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. VOINOVICH. Let me finish, and then I will yield for a question.

Second, in terms of the private colleges, we looked at what we do around the country, and if you are in the State of Ohio and you are a resident of Ohio, we have a special program that says if you go to a private school, you don't get the full subsidy you would get if you go to a public school, but we provide the private schools up to $2,500 so you can attend a private school. When we put this program together, we had a limitation saying, as we have in the State—and we took certain areas of Virginia and Maryland and brought them in as part of a State—and we said if you go to the University of Maryland, if you go to the University of Virginia, then you can participate in this program. But what we realized at the time was that the number of people trying to get into Maryland and Virginia was so large it wouldn't give these kids the chance they needed to have so they could get into school, and so we opened it up to public colleges all over the United States of America. As Senator AKAKA says, there are people in Hawaii, I am sure we have people in Pennsylvania and all over America, in Oklahoma, and we are trying to do what a State would do.

The other thing we did, which was unusual, is that because we have historical Black colleges around the country, we provided a special program that at those private colleges, even though they are outside of the region of the District of Columbia, the children would be able to receive up to $2,500, and that lays out why this whole program came together. What the Senator from Oklahoma is making mention of is that he wants everybody to get the same amount of money. If we provide equal funding for private and public colleges, as proposed by the amendment, we would be limiting the reach of what is, by all accounts, a very successful program.

The current level of funding of the DCTAG is about $33.2 million. If we expanded that to allow District schools to receive grants of up to $10,000, funding would have to be increased significantly to serve the existing population served by the DCTAG. As mentioned earlier in the debate, the average grant amount per student is $6,500. They do not get the $10,000, they get the average of $6,500, and the difference of $3,500 would have to be made up somewhere. Of the 6,400 students enrolled in the DCTAG today, 886 are attending private colleges. These students are receiving about $2 million. If this amendment were to pass, funding would have to increase by over $5 million to cover these students, or the District would have to reduce the number of students attending public universities by 875 students. So it is a matter of money and dividing it. My guess is that would result in fewer students attending college because the pool of available money would shrink.

I would hope none of my colleagues is willing to ask 875 students not to attend college. This program has been an unprecedented success since the first grants were handed out in 2000. There is an old saying, and I have believed in it my entire years in Government—over 40 years—''If it ain't broken, don't fix it.'' This program is not broken. This program is one of the most successful programs in the United States of America to reduce dropout rates and increase the attendance of youngsters to get a college education. I hope my colleagues who are listening and paying attention right now will vote against this amendment because I don't think it is going to add one iota to this program except to take away from it.

Mr. COBURN. Will the Senator yield for a question?

Mr. VOINOVICH. I am glad to yield.

Mr. COBURN. Do the people of upper income in Ohio pay higher taxes in the State of Ohio?

Mr. VOINOVICH. Yes, and I am sure the people in the District of Columbia are paying higher income taxes to the United States of America.

Mr. COBURN. So the people of Ohio, who send their children to Ohio State, even though they pay in-State tuition, actually pay more for that college because they pay a much higher percentage of the State budget and the State of Ohio, similar to the State of Oklahoma, has decided that with that increased income, we will grant everybody. But it doesn't cost the same. So the argument is, in terms of the difference in incomes: Those people who make exceptional incomes in Ohio and Oklahoma actually pay more for their kids to go to college in their States because they pay a much higher percentage of the total income taxes in the State.

The second point is I think the Senator is right. If it ain't broke, don't fix it. This is one of the rare programs that ought to be expanded, but we have terrible priorities in this Senate and in this Government. So we will not take another $10 million to make sure more kids go and get rid of some duplicitous earmark somewhere that is a favor for some politician somewhere so we can, in fact, enhance it.

This is a very straightforward amendment. It says why would you discriminate against somebody who wants to go to a private college over a public college? That is what we are doing. The answer is because we don't have enough money. That is the answer. The answer is we do not have enough money, so therefore, if we give the same amount of scholarship to private schools as we give to public, we would not have enough money for 886 people who are getting a full boat now.

The answer to that is here is a program that is working, here is where we ought to have priorities, here is where we ought to be putting more money rather than less. But the answer, our closed-minded answer in Washington is: That is all the money we have. Even though this is working and a lot of other programs are not working, we are not going to defund those programs that are not working. We are not going to measure with a metric whether they are effective. We are going to let them go. Here is a good program that is making a difference in people's lives, and we are not going to go fight for more money.

To me, that says it all about where we are in Washington today.

Mr. VOINOVICH. Mr. President, I would like to say—and I am pleased the junior Senator from Oklahoma is talking about a Federal program where he wants to see more money spent. I think that is terrific. The fact is, he does agree this is a very special program. I would like to point out so do the appropriators, because year after year, they have provided more money for this program.

Initially, it started out at about $17 million. They are up to about $33.3. In their consideration of the importance of this program, they have, in fact, provided more money for it because it is a very worthwhile, successful program. The fact of the matter is we all believe that if we evened it out across-the-board, fewer of our youngsters, the socially deprived kids in the District, would be able to take advantage of the program.

Again, I wish to emphasize we tried to copy what we do in States such as Ohio, where we say to the private schools: You are here. God bless you. And we give them, not the total subsidy, $6,500—they get up to $2,500 for those students.

If you are thinking about kids who need help, I know in my State if you have a youngster who has some potential—by the way, these youngsters who have the potential are taking advantage of the college assistance program the private sector set up here, set up by Don Graham over at the Washington Post. So they come in with this little extra money for them. We also have the Pell Grant Programs available to these individuals.

I can tell you this. If we had a bright kid in the District who was qualified to go to Georgetown—we mentioned a young lady who is at one of the top universities. They have special programs that reach out and say here is a youngster—such as my dad—who is bright, hard-working, and we are going to give them some extra, such as dad got at Carnegie Tech so he could go on to get his architectural degree.

I think we are talking about reality here. We are talking about a program that is making a difference. I respectfully say I think the proposal doesn't help the program but rather takes away from it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, reclaiming my time, I wish to echo the remarks of my good friend and ranking member, Senator VOINOVICH. Senator COBURN's amendment threatens to reduce the number of participants in the program by nearly 1,000 students and

would increase the costs of the program by more than $5 million.

Furthermore, it conflicts with the intent of the legislation. Because of the high number of private schools in the District, Congress allowed students who chose to stay close to home a greater range of options, similar to a State school program. However, it was never intended to supplement the private education to the same degree as public education.

Once again, I urge my colleagues to vote against his amendment and in support of the underlying bill.

At this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will finish up with this. I thank the Senators for their debate and points of view.

The reason the average is $6,500 is because you only give $2,500 to the private. If you took all the private schools out, the average would be $10,000. That is what you get. So to play the game with numbers is not accurate because when you filter in the $2,500, you get that average of $6,500.

I would make the point again, you, in fact, are discriminating against a young DC minority child who says I want to go to Morehouse State, and I want to major in X at Morehouse State. I know heroes of mine who went to Morehouse State.

Under this bill, you say you can't do that. They may be bright, but $2,500 compared to that education, versus $10,000 in public, doesn't begin to accomplish the level of financing and scholarships—it will be next to impossible. I ask you to reconsider. The intent of what you are trying to do—we can, in fact, appropriate more money for this. If I and GEORGE VOINOVICH and DANNY AKAKA go for a spending increase on an appropriations bill, that will make history in the Senate. That would make history. We could do that. We could find the money to do that.

The point is, why should we take away opportunity? Why should we be the parlayers of somebody's lost opportunity? We ought to give it to all, it ought to be equally based and ought to be based on their aspirations, their hopes for what they want to do. We should not artificially say because you want to go here, this is all the opportunity you get. But if you want to go somewhere that doesn't excite you, doesn't stimulate you, isn't going to give you as good an education, we will give you more money.

I think that is inherently wrong and disadvantageous to the very people we are trying to help. Not only should we want them to get the education, we should want them to get the best education, so they can be the best that they can be.

I will yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. AKAKA. Mr. President, I yield the remainder of my time.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to Coburn amendment No. 2888.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—38

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Bennett	Dole	McCain
Bond	Ensign	McConnell
Brownback	Graham	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	

NAYS—59

Akaka	Feingold	Murray
Barrasso	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Tester
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Enzi	Murkowski	

NOT VOTING—3

Byrd	Domenici	Obama

The amendment (No. 2888) was rejected.

Mr. AKAKA. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. BUNNING. Mr. President, I ask for the yeas and nays, please.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virgina (Mr. BYRD), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—96

Akaka	Dorgan	McCaskill
Alexander	Durbin	McConnell
Allard	Ensign	Menendez
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Graham	Nelson (FL)
Biden	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Brownback	Hutchison	Rockefeller
Bunning	Inhofe	Salazar
Burr	Inouye	Sanders
Cantwell	Isakson	Schumer
Cardin	Johnson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dole	McCain	Wyden

NOT VOTING—4

Byrd	Domenici
Dodd	Obama

The bill (H.R. 1124), as amended, was passed.

Mr. AKAKA. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes equally divided between the two leaders or their designees on the motion to invoke cloture on the motion to proceed to S. 1257.

Who seeks time? The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the legislation before us today which was reported out of our committee on a 9-to-1 vote, bipartisan support.

In some sense, it is unbelievable that we are here today in 2007 trying, against some odds at this moment, to give to the residents of the Capital City of the United States, the District of Columbia, the right to have a voting representative in the Congress of the United States. To me, it is unbelievable, it is palpably unjust and, in my opinion, a national embarrassment.

This bill, comparable to a bill that passed the House of Representatives—bipartisan—cosponsored by Delegate ELEANOR HOLMES NORTON and Congressman TOM DAVIS—basically rights this grievous wrong by giving the District of Columbia, more than a half a million of our fellow Americans, a voting Member of Congress in the House of Representatives and to, frankly and directly, overcome concerns of the partisan impact of giving a House seat to the District because it tends to vote Democratic, and correcting another injustice, saying that the State of Utah, which came very close—less than 900 citizens—from having another seat in the Congress in the House as a result of the 2000 census also gets a seat. So one for the District of Columbia, one for Utah.

The situation is this: The residents of the Capital City of the greatest democracy in the world do not have voting representation in Congress. And yet, they have to pay the taxes we adopt—this is taxation without representation—their budget uniquely has to be approved by the Congress, and their sons and daughters today are serving, and I add dying in disproportionate numbers, in Iraq and Afghanistan in the war on terrorism, and yet they do not have a voting representative in Congress to pass judgment on appropriations and other matters related to that war.

It is time to end the injustice, to end the national embarrassment that the citizens of this great Capital City do not have voting representation in Congress.

I ask all my colleagues to vote for cloture. Do not let a filibuster kill a voting rights act, as used to happen too often around here.

I have been honored to join as a cosponsor of this measure my dear friend, a great Senator, Senator ORRIN HATCH of Utah.

I yield the remaining time we have to Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we have had a lot of people talking about, oh, let's not do this because it is unconstitutional. I want everybody to know there are conservative and liberal advocates on both sides of this issue with regard to the District of Columbia and, I might add, I think most people will know Utah was not treated fairly after the last census. Naturally, Senator BENNETT and I are for adding a seat in Utah.

Let's go back to that point. There are good people on both sides of this issue, Democrats and Republicans on each side. There are decent arguments on each side of this issue, although I think our side has been given short shrift by some. And those who are so sure this is unconstitutional, that which the distinguished Senator from Connecticut, Mr. LIEBERMAN, and I have been advocating, then why do they fear the expedited provision in this bill that will get us to the Supreme Court of the United States of America in what would be a very appropriate decision on who is right and who is wrong in this matter?

We all know the argument that we should do this as a constitutional amendment is not a valid argument. It is a good argument, but the fact is it will never pass that way. There are 600,000 people in the District of Columbia, never contemplated by the Founders of this country to be without the right to vote. They are the only people in this country who do not have a right to vote for their own representative in the House of Representatives. This bill would remedy that situation.

Those who argue it would be a presage to getting two Senators don't know the people in America or in this body. The fact is that Senators are elected by States with equal rights of suffrage. This representative, should this bill pass both Houses of Congress, would represent 600,000 people as the people's representative in the House of Representatives, which is what that is supposed to be.

I might add, Supreme Court decision after Supreme Court decision has said the Congress has plenary power in this area, unique power in this area. It says Congress has authority over the District of Columbia. If Congress wants to give the District of Columbia a representative, Congress has the power to do so, and I believe the Supreme Court would uphold it. I do not believe the Supreme Court would uphold an attempt to try and get two Senators for something that is clearly not a State requiring equal rights of suffrage.

I compliment my good friend from Connecticut, Senator LIEBERMAN, for the hard battle he waged and for those in the House who worked so hard on this issue. I hope we can at least debate this matter. All we are doing today is deciding whether we are even going to allow a debate to occur. My gosh, when has the Senate been afraid to debate a constitutional issue as important as this one? This is an important issue. We are prepared to debate. We are prepared to see what happens.

We know if it passes, it is going to have expedited review by the Supreme Court. We are prepared to accept whatever the Supreme Court decides to do, and those who say this is unconstitutional, per se, should not be afraid then. I am willing to go to the Supreme Court, and I will abide by whatever the Supreme Court says. I believe the Supreme Court would uphold this legislation because there are 600,000 people without a right to vote for their own representative.

I used to be opposed to this issue. The more I studied it, the more I agreed with the conservative and liberal constitutional proponents and the more I have become an advocate for it, and I am going to continue to do so. I hope we can at least debate this matter and then, hopefully, get it out of this body and go to the Supreme Court and have them finally decide what should be done.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President. I rise to speak in support of S. 1257, the District of Columbia House Voting Rights Act of 2007. It is a measure introduced by Senator LIEBERMAN and Senator HATCH and favorably reported by the Committee on Homeland Security and Governmental Affairs.

After carefully considering the constitutional issues, I have come to believe, on balance, that S. 1257 is a legitimate mechanism for providing voting representation in the U.S. House of Representatives for the 600,000 Americans who live in the District of Columbia—citizens who serve in the Armed Forces, pay Federal taxes, participate in Federal programs, and support a local government overseen by Congress—yet who cannot choose a representative with voting rights for the House that meets in their midst.

S. 1257 would also correct an inequity affecting the State of Utah. That State fell just short of qualifying for an additional House seat in the last apportionment—a margin that likely would have disappeared had the census counted the thousands of Mormons who were out of State performing their religious duty as missionaries.

As the Senate considers this legislation, much hinges on our view of the powers assigned, and the rights protected, by our Constitution. Those

powers and rights were discussed at length in the May 15 hearing that our committee conducted on this bill.

We heard vigorous debate from legal experts on whether the enclave clause of the Constitution enables Congress to provide voting representation in the House for the District of Columbia—as a corollary of its exclusive power of legislation in Federal enclaves, including the District. We also heard an impassioned argument that the bill would pass constitutional muster purely on its merits as an equal-representation measure consistent with court rulings in civil rights cases.

I recognize that other lawmakers, and some constitutional scholars, have expressed sincere doubts about this measure. For those who have such concerns, the bill now offers a powerful safeguard. During our June markup, the committee adopted my amendment providing for expedited judicial review of this legislation in the event of a legal challenge. Thus, the new law's legitimacy could be determined promptly by our Federal courts.

My colleagues on the committee also adopted an amendment that I proposed concerning the scope and implications of the bill. The text now carries an explicit statement that the District of Columbia shall not be considered a State for purposes of representation in the Senate. This is an important distinction. Our Constitution links House representation to population, but it links Senate representation to statehood. The residents of the District of Columbia are Americans entitled to House representation, but they are not residents of an entity admitted to the Union as a State. The language added by the committee simply clarifies that the bill does not contemplate or provide support for a legislative grant of Senate representation.

The District of Columbia House Voting Rights Act of 2007 is a carefully crafted measure that provides for speedy review of any legal challenge. The bill's 21 sponsors and cosponsors span the liberal-to-conservative spectrum and includes two independent Senators, as well as Republicans and Democrats—eloquent testimony to the fact that this is not a partisan measure.

I urge my colleagues to support S. 1257, a simple matter of fundamental fairness for American citizens.

Mr. President, I wish to make a final point and say again that there are legitimate arguments about the constitutionality of the measure that is before us, and that is why, when it was before the Homeland Security Committee, I offered an amendment which is incorporated into the bill to allow for expedited judicial review of its constitutionality. I suggest to my colleagues that we should proceed with this measure. If, in fact, it fails on constitutional grounds, that is up to the courts. But today we can stand for an important principle of providing a vote to the residents of the District of Columbia.

I hope my colleagues will allow this bill to go forward, and I urge their support of this measure.

Mr. CARDIN. Mr. President, I rise in strong support of S. 1257, the District of Columbia House Voting Rights Act. This bill would provide the 580,000 residents of our Nation's Capital the voting representation in the House of Representatives that is so long overdue. It would also give the State of Utah a temporary at-large seat in the House through the next reapportionment.

Today's vote presents us the opportunity to grant District of Columbia residents the voice in ''the people's House'' that other Americans possess. It is time to remember the cry of our Founders that ''taxation without representation is tyranny'' and end the discriminatory treatment of our Capital City's residents.

District of Columbia citizens pay Federal taxes, and they deserve their full say in determining the direction of our country. They should have as much influence on the House and Senate floors as any other American over the policies that shape this Nation: our Tax Code, our involvement in Iraq and Afghanistan, and our laws affecting Social Security, health care, and childcare.

The right to representation is a basic civil right, and this is no less than a moral issue. Since coming to Congress, I have supported full voting representation for the citizens of the District of Columbia that would comprise one voting member of the House of Representatives and two Senators. The authors of this bill have, after much deliberation, crafted a compromise that they believe can pass both Chambers and be sent to President Bush for his signature. I will support that compromise with the hope that one day we will be able to enact legislation providing full representation to the District.

Mr. DODD. Mr. President, today we will vote on whether or not to take up one of the most important pieces of civil rights and voting rights legislation the Senate will consider in this Congress: the DC House Voting Rights Act of 2007. After months of careful consideration by the Committee on Homeland Security and Governmental Affairs, floor action on this bill has been blocked by a filibuster. We will soon see if there are sufficient votes to break that filibuster and enable it to move forward. We are in this procedural position because some of my Republican colleagues have persistently refused to even allow the Senate to take up and debate this measure, insisting on throwing up procedural roadblocks all along the way. I urge my colleagues to vote to bring this bill to the floor, and if that effort succeeds, to support its adoption.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people than the people's right to vote. In the words of Thomas Paine: ''The right of voting for representatives is the primary right by which other rights are protected.'' It is, in fact, the right on which all others in our democracy depend. The Constitution guarantees it, and the U.S. Supreme Court has repeatedly underscored that it is one of our most precious and fundamental rights as citizens.

Although not all Americans were entitled to vote in the early days of the Republic, virtually all legal restrictions on the franchise have since been eliminated, including those based on race, sex, wealth, property ownership, and marital status. Americans living in the Nation's Capital also deserve to have voting representation in the body that makes their laws, taxes them, and can call them to war.

Even with most explicit barriers to voting removed, we still have a way to go before we get to the point where all Americans are able to participate without obstacle in our elections, and with confidence in the voting systems they use. In the 2000 Presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 Presidential election voting participation reached its highest level since 1968, only 60.7 percent of eligible Americans voted. That dropped back down, in the 2006 off-year elections, to just over 40 percent. We should do everything we can to strengthen voter registration efforts and to move the election reform process forward in this Congress, and at the same time to extend voting representation to the nearly 600,000 people—hard-working, taxpaying U.S. citizens who fight for our country and serve on juries and fulfill their other civic duties—who live within the borders of the District of Columbia.

I know that some opponents argue that the reasons the Founders made the Nation's Capital a separate district, rather than locate it within a State, remain sound, and therefore we should not tinker with their work, even at the cost of continued disenfranchisement of DC's citizens. That argument ignores the fundamental commitment we all must have to extending the franchise to all Americans. And it ignores the fact that article I of the Constitution explicitly gives Congress legislative authority over the District ''in all cases whatsoever.'' The courts have over time described this power as ''extraordinary and plenary'' and ''full and unlimited,'' and decades of legislative and judicial precedents make clear that the simple word ''states'' in article I (which provides that the House of Representatives ''shall be composed of members chosen . . . by the people of the several states''), does not trump, Congress's legislative authority to grant representation in the House to citizens of the District.

I know that Senator HATCH, LIEBERMAN, and others have already thoroughly covered this important legal ground, so I will not belabor the history. But when even conservative legal scholars—from Judges Ken

Starr and Patricia Wald to former Assistant Attorney General Viet Dinh—have done exhaustive legal analyses which outline the positive case for Congress ceding representational rights to citizens of the District, you know there is a strong case to be made. In any event, it is clear to me that these important constitutional questions should ultimately be resolved by the U.S. Supreme Court, and enactment of this bill would enable us to do just that. If opponents of the bill are so certain of their constitutional arguments, they should, it seems to me, allow those arguments to be tested in the full light of day, in the courts, and resolved once and for all. The bill provides for expedited consideration of appropriate court challenges. If it were to be enacted and then struck down because of constitutional infirmities, it would then be clear that a constitutional amendment is the only viable alternative left to DC citizens.

This is the latest in a series of proposals to extend full rights of representation to voters in the District. In 1978, with overwhelming bipartisan support, both Chambers of Congress passed the DC voting rights constitutional amendment, which would have given District residents voting representation in the House and the Senate, by two-thirds majority in each Chamber. The amendment required 38 States to ratify it, but it fell short. In 1993, the House voted to give partial voting representation to the DC delegate in the ''Committee of the Whole'' of the House, unless her vote actually determined the outcome, in which case it would not be counted. That is obviously no real voting ''right'' at all, if it can be taken away when it really counts.

There have been many differing proposals over the years to extend the right to vote to DC citizens, from constitutional amendments to statehood legislation to retrocession proposals. Since many Americans would be shocked to learn that something as basic as voting representation is now withheld from certain of our citizens, and it is coming in a particular historical context in which Utah is poised to gain an additional House seat due to its growing population, let me describe briefly what this bill would actually do.

First, it would create two new permanent seats in the House of Representatives, one for the District of Columbia and the other for Utah. An election for the seat in DC would be held in 2008 and the new representative would be sworn in for the 111th Congress. The bill explicitly states that DC can only be considered one district and receive only one seat in all future censuses.

It also repeals the District of Columbia delegate and other related language once a full voting representative is sworn into the 111th Congress. Finally, it would allow the State of Utah to create a Fourth District, not an at-large seat, using census data from 2000. The election for that seat would be held in 2008. This seat would be guaranteed to Utah for the 111th Congress and the 112th Congress until another census is done and new districts are made in 2012. It also explicitly says that the District should not be considered a State for the purpose of representation in the Senate; that question is left for another day.

Mr. President, as my colleague Senator HATCH has observed, there are really two fundamental questions here for the Senate to consider. The first is the constitutional question about whether Congress may enact legislation to address this issue. The second is an essentially political question about whether we should enact such legislation. I have briefly addressed the first. On the second, I think there really should not be much of a debate. Citizens of the District, a majority of them African-Americans, who fulfill all of the duties of citizenship, ought to have the right to vote and be represented in Congress as decisions are made about their taxes, about war and peace, or about any of the myriad other questions that Congress faces every day.

This is not a perfect bill. There are provisions of it that some oppose, and that I might have drawn differently. But it is an exquisitely balanced compromise, and I believe it deserves our support. I commend Chairman LIEBERMAN and Ranking Minority Member COLLINS for developing the bill, and I congratulate the majority leader for bringing it to the floor today. We know it enjoys the support of a large majority of Americans—over 80 percent in national polls support the proposition that DC residents should be represented in Congress. I hope it will garner the broad support in the Senate it deserves. I urge my colleagues on both sides of the aisle to vote aye to enable this measure to come to the floor, and to support it when it does.

Mr. KENNEDY. Mr. President, today's debate involves one of the most important issues in our democracy. Dr. Martin Luther King called the right to vote ''civil right number one.'' Yet hundreds of thousands of Americans who live in the Nation's Capital have been denied an equal voice in our democracy. Citizens in the District of Columbia live in the very shadow of the Capitol Building, but they have no representative who can vote their interests within these halls. It is long past time for us to finally correct this basic wrong.

I commend Senators LIEBERMAN, HATCH, and BENNETT for their strong leadership on this legislation.

Since the Revolutionary War, ''No taxation without representation'' has been a fundamental American principle. It is a famous phrase in our history. James Otis said it first in a historic speech in Massachusetts in 1763, and it was so inspiring that John Adams later said, ''Then and there, the child 'independence' was born.''

Yet more than two centuries later, citizens who live in the Nation's Capital still bear the unfair burden of taxation without representation. The more than half a million District of Columbia residents pay significant Federal taxes each year. In fact, DC residents have the second-highest per capita tax burden in the Nation. Yet they have no say in how Federal taxes are spent, and they have no role in writing the Nation's tax laws.

Residents of the District have fought and died in every war to defend American interests. Two hundred thirty seven DC residents died in the Vietnam war. Today, while we debate whether DC citizens deserve a vote in Congress, many brave Americans who live in the District are fighting for voting rights in Iraq. Since the beginning of the current wars in Iraq and Afghanistan, 2813 DC residents—2110 members of the Active Duty military and 703 members of the Reserve Forces—have been deployed in Iraq and Afghanistan. In the course of these conflicts, 28 DC residents have been wounded or killed.

Citizens of the District of Columbia have no voice when Congress considers whether to go to war. The brave soldiers from the Nation's Capital have no representation in Congress when the votes are counted on funding levels for our troops and other issues relating to the war. When Congress debates assistance to war veterans or considers how to improve conditions at Walter Reed Hospital, the patriotic veterans who live in this city have no vote. It is unconscionable.

If we are for democracy in Iraq and Afghanistan, we should certainly be for democracy in the District of Columbia as well.

I have long been a strong supporter of DC representation in Congress. In 1978, I worked with Walter Fauntroy and many others on a constitutional amendment to correct this basic injustice. We finally passed the constitutional amendment in Congress, but we weren't able to get it ratified by a sufficient number of States to take effect. Because we weren't successful then, the issue remains just as urgent today.

Fortunately, a constitutional amendment isn't the only option. The Constitution's District clause provides another, legal means for providing citizens of the District of Columbia a vote in Congress. As respected constitutional scholars have made clear, article I, section 8 of the Constitution gives Congress the authority ''to exercise exclusive Legislation, in all Cases whatsoever, over such District'' of Columbia. The Supreme Court has ruled that Congress's exclusive authority over the District of Columbia is broad and ''national in the highest sense.''

Some have questioned the constitutionality of this approach. Although I supported a constitutional amendment in the past, I disagree that a constitutional amendment is the only valid option. Nothing in the Constitution explicitly denies residents of this city a

voice in Congress. Judges Patricia Wald and Kenneth Starr, both of whom served on the respected U.S. Court of Appeals for the DC Circuit, have studied this approach to giving the District a vote in the House of Representatives. Both have concluded that it is constitutional. As they and others have noted, the Supreme Court has recognized that Congress has the power to treat District of Columbia citizens as citizens of a State in other contexts. For instance, the District is treated as a State for purposes of diversity jurisdiction in Federal courts, although article III, section 2 of the Constitution provides for diversity jurisdiction in suits ''between citizens of different States.''

It is impossible to believe that the Founding Fathers, having just finished a war to ensure democratic representation in America, would then insist on denying that representation to citizens living in the capital of their new Nation. Granting the District a vote in Congress is consistent with the spirit, as well as the letter, of our Constitution.

Even if you disagree about the bill's constitutionality, we should not filibuster this important measure. Surely even my colleagues who have a different view of the constitutionality can agree that this issue is important enough to deserve an up-or-down vote. The Senate's filibuster of the landmark Voting Rights Act of 1965 was one of its darkest days. We should not repeat that mistake now.

This is not a Republican or a Democratic issue. When we passed the constitutional amendment in 1978, we had strong support from Republicans like Senators Goldwater, Dole, and Thurmond, in addition to Democrats. Today, the bill has strong bipartisan support in both the House and Senate. That is because this issue is so obviously an issue of simple justice.

The Senate Judiciary Committee recently held a hearing to celebrate the 50th anniversary of the Civil Rights Act of 1957. We heard moving testimony in favor of this bill from Congressman JOHN LEWIS, our distinguished colleague in the House of Representatives and a leader in the continuing struggle for equal voting rights. At the age of only 23, Congressman LEWIS headed the Student Nonviolent Coordinating Committee and helped organize a march on Washington. He and others were brutally assaulted during the fateful voting rights march at the Edmund Pettis Bridge, but their sacrifices helped inspire the progress that was to come.

Congressman LEWIS reminded us of the sacrifices of those who gave their lives for equal voting rights in this country, and called on us to pass the DC Voting Rights Act. He reminded us of our obligation to give the District a vote in Congress.

I urge my colleagues to vote for cloture on this important bill and then vote for final passage of the bill so that we can finally correct this historic wrong and to do it on our watch.

Mrs. FEINSTEIN. Mr. President, S. 1257, the District of Columbia House Voting Rights Act of 2007, is an important and consequential bill.

The bill before us would increase the 435-seat House of Representatives to 437 seats, by providing one seat for a voting member in DC, which is predominately Democratic, and one additional seat for Utah, which is predominately Republican. And it does it in a way that doesn't give advantage to one political party over the other.

The time has come to give the District a voice and a vote in the House of Representatives.

I encourage my colleagues to support this legislation.

The legislation is sponsored by Senator JOSEPH LIEBERMAN, chairman of the Homeland Security and Governmental Affairs Committee; Senator ORRIN HATCH; and my distinguished ranking member on the Rules Committee, Senator ROBERT BENNETT. I am a cosponsor this legislation.

The District of Columbia occupies an interesting and unique place in the United States:

It covers just 61.4 square miles, sandwiched between Virginia and Maryland: Yet with more than 580,000 residents, the population of the District surpasses that of the entire State of Wyoming. The District of Columbia is the seat of American government. The U.S. Congress determines the laws for the District; the Federal Government impacts the District's transportation system, health system, and police function. DC residents pay the second highest per capita Federal income taxes in the country. And District residents have sacrificed their lives defending our Nation. During World War I, World War II, Vietnam, the Korean war, and today in Iraq, they have fought for our democracy. Despite all this, DC residents have no vote in how the Federal Government operates.

''No taxation without representation,'' the colonists told King George in the late 1700s. We cannot allow this lack of representation to continue during the 21st century.

Today, the District of Columbia has a nonvoting representative in Congress—Representative ELEANOR HOLMES NORTON. She has been vocal in representing the interests of the residents of DC, but she is unable to cast a vote on the House floor to ensure that voice is heard. This makes little sense.

We now have an opportunity to change this and to strike the right balance while doing it. The bill before us would add two seats to the House of Representatives, one for the District of Columbia and one for Utah.

Utah was next in line for a fourth congressional district representation in the House, according to 2000 population census data. At that time, Utah was only 856 residents away from becoming eligible for an additional seat.

So this legislation strikes the appropriate balance by allowing additional representation for both DC and Utah without disadvantaging either national political party.

In the last 200 years, Congress has not granted House representation to the District of Columbia by statute. Whether such a Federal law is constitutional has never been before the courts. As a result, critics of the legislation have argued that a bill providing for a vote for the District representative is unconstitutional. However, a bipartisan group of academics, judges, and lawyers argue that Congress has the authority and historical precedents to enact Federal law, and I agree with their view.

The Constitution vests in Congress broad power to regulate national elections and plenary authority over DC under the District clause, article I, section 8, clause 17. This clause permits Congress wide discretion to grant rights to the District of Columbia, including for the purposes of congressional representation.

From 1790 to 1800, Congress allowed District residents to vote in congressional elections in Virginia and Maryland. This was allowed not because they were residents of those States but because Congress acted within its District clause authority.

Constitutional scholars from the right and the left, the most notable conservatives being Judge Kenneth Star and Professor Viet Dinh, believe this legislation is constitutional. These scholars reference the sweeping authority of the District clause, which provides that ''The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever'' over the District of Columbia.

In addition to believing that Congress can pass this legislation, I believe there are strong reasons why it should pass this legislation.

DC is affected, perhaps more directly than any other U.S. jurisdiction, by the actions of Congress.

Citizens of the District, rich and poor, work in this town and work in the industries of law, policy, business, tourism, academia and medicine. They pay high taxes; they face the challenges of living in one of the major cities in the United States.

This legislation would provide DC with permanent voting rights for the first time in over 200 years.

From the Boston Tea Party and ''no taxation without representation'' to the suffragettes and struggles over voting rights in the 1960s, the goal of American society has been to bring a voice to citizens who were voiceless.

Voting is the voice of democracy.

This political limbo that Congress has placed on the District has run its course.

It is time to give the District a voice and a vote in the House of Representatives.

This important step can not only right this wrong but can do it without causing partisan rancor or disadvantage to any party. What is at stake

here is nothing less than a fundamental fairness voting issue.

This bill is consistent with the historical precedents of Congress's role in protecting and preserving the right to vote, regardless of color or class, age or gender, disability or original language, party or precinct, and geography domestic or foreign.

It is the right thing to do, and the 21st century is the right times to do it.

I urge my colleagues to join me in taking up and passing this bill on a majority vote in the full Senate.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Mr. President, in 1978, as the majority leader of the United States Senate, I strongly supported and voted for H.J. Res. 554, a joint resolution that proposed amending the Constitution to provide for representation of the District of Columbia in Congress. Unfortunately, over the next 7 years, that resolution, which had passed the Senate by a vote of 67 to 32, failed to obtain the approval of the 38 States it needed for ratification under Article V of the Constitution.

Today, the Senate seeks to obtain the same commendable goal of granting voting rights to representatives of the District of Columbia. The Senate seeks to do so by passing S. 1257. However, Art. 1, Sec. 2 of the Constitution states that the House of Representatives shall be composed of Members chosen by the people of the several States. The Constitution does not refer to the people of the District of Columbia in this context. While I recognize that others believe that Art.1, Sec. 8 of the Constitution authorizes the Congress to ''exercise exclusive legislation'' over the District, including legislation that would grant the District's representatives voting rights, the historical intent of the Founders on this point is unclear.

I oppose S. 1257, because I doubt that our Nation's Founding Fathers ever intended that the Congress should be able to change the text of the Constitution by passing a simple bill. The ability to amend the Constitution in only two ways was provided with particularity in Article V of the Constitution for a reason. If we wish to grant representatives of the citizens of the District of Columbia full voting rights, let us do so, once again, the proper way: by passing a resolution to amend the Constitution consistent with its own terms.

Now is certainly not the time for us to make it easier, rather than more difficult, to alter the text of the Constitution. We serve with a President who already believes that he can ignore the rule of law by issuing a simple directive, a signing statement, or an order that undermines the delicately balanced separation of powers, which the Framers so painstakingly included in the Constitution. A series of Federal judges is now confirming what many of us have known from the start: that this Administration believes it can write 200 years of civil liberties out of the Constitution with a simple stroke of a pen.

We all seek the same laudable goal: to provide full Congressional representation and voting rights for the citizens of the District of Columbia. But let us accomplish that goal in the way the way the Founders intended—by amending the Constitution. Let us support a resolution to amend the Constitution that would enhance, rather than undermine, the rights of the 600,000 residents of the District of Columbia who seek a stronger voice in their government.•

Mrs. CLINTON. Mr. President, Our Nation was born out of a struggle against taxation without representation. Yet even as we endeavor to promote democracy around the world, it is alarming that we deny our own American citizens who live in the District of Columbia the right to representation in Congress. The nearly 600,000 residents of the District of Columbia have been denied voting representation in Congress for over 200 years. But this is not just an injustice perpetrated on DC residents. Their disenfranchisement tarnishes our democracy as a whole. The right to be represented in the national legislature is fundamental to our core American values, and for that reason, I am proud to cosponsor the District of Columbia House Voting Rights Act of 2007.

There is no principled basis for the disenfranchisement of the District's residents. After the Nation's Capital was founded, citizens who lived in the District were represented by congressmen from Maryland or Virginia. They were able to make themselves heard in Congress. It was only in 1801 that Congress chose to strip the District of voting rights. As a result of this decision, for more than 200 years, the District's residents have been taxed like other Americans but have been denied a vote in the Nation's legislature. It is Congress that took away the District's representation. After two centuries, it is time for us to fix that mistake. The District's residents deserve a voice in how the Nation is governed.

The people of this city are proud Americans. They pay their taxes. They serve with honor and distinction in our military. But yet we deny them the ability to fully participate in our democracy. The legislation before us goes a long way towards righting this wrong by giving the residents of the District representation in Congress that is long overdue.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the legislation before us today to ensure that citizens of the District of Columbia and the State of Utah are properly represented in the U.S. House of Representatives.

In the 1964 Wesberry v. Sanders case, Supreme Court Justice Hugo L. Black wrote that ''no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.'' The bill we are considering today—S. 1257—serves this purpose. It would, for the first time, give the citizens of the District of Columbia full voting representation in the House of Representatives, while adding a fourth Congressional seat for the state of Utah, based on updated population statistics from the 2000 Census.

I want to thank my good friends Senators HATCH and BENNETT for greatly increasing the possibility of success this year with their support for this effort. Earlier in the year, the three of us introduced S. 1257 as a compromise that would move us beyond the partisan stalemates of the past that have denied the citizens of DC their most precious right.

I must also thank DC Delegate ELEANOR HOLMES NORTON and Congressman TOM DAVIS, whose persistence and bipartisan cooperation has brought us to where we are today. It was they who forged the original compromise that passed the House in April by a vote of 241–177 and is now before us here in the Senate.

Notwithstanding the remarkable service of Congresswoman NORTON, the citizens of the District of Columbia deserve more than a non-voting delegate in the House. They deserve a representative who can vote not only in committee, as Delegate NORTON now does, but also on the House floor, which she is barred from doing.

The fact that District residents have been without voting representation in Congress since the District was formed more than 200 years ago is not only a national embarrassment, it is a grave injustice and at complete odds with the democratic principles on which our great nation was founded. America is the only democracy in the world that denies the citizens of its capital city this most essential right.

And yet, the people of DC have been the direct target of terrorist attacks but they have no voting power over how the federal government provides homeland security. They have given their lives to protect our country in foreign wars—including the current one—but have no say in our foreign policy. They pay taxes, like every other American. In fact, they pay more: Per capita, District residents have the second-highest federal tax obligation in the country. Yet they have no voice in how high those taxes will be or how they will be spent.

The District is also the only jurisdiction in the country that must seek congressional approval—through the appropriations process—before spending locally-generated tax dollars. So when Congress fails to pass appropriations bills before the beginning of the new fiscal year, the District's budget is essentially frozen. And yet DC has no say in our federal appropriations process.

Giving the residents of DC voting representation in the House is not only

the right and just thing to do; it has popular support. A poll conducted by the Washington Post earlier this year found that 61 percent of the nation believes it is time to end centuries of bias against the District by giving its citizens voting representation in Congress.

It helps to take a look back in history to locate the original source of this inequity. In 1800, when the nation's capital was established as the District of Columbia, an apparent oversight left the area's residents without Congressional representation. Maryland and Virginia ceded land for the capital in 1788 and 1789 respectively, but it took another 11 years for Congress to establish the District. In the interim, residents continued to vote either in Maryland or Virginia, but Congress withdrew those voting rights once the District was established. Apparently by omission, Congress neglected to establish new voting rights for the citizens of the new District.

Whatever the reason for this oversight, it has no relevance to reality or national principles today. To have your voice heard by your government is central to a functioning democracy and fundamental to a free society.

The Homeland Security and Governmental Affairs Committee held a hearing on the bill May 15, during which we heard compelling testimony on the need for and constitutionality of S. 1257 from legal scholars, civil rights leaders, and fellow members of Congress. The bill was reported to the full Senate on June 13 by a bipartisan vote of 9–1.

The primary argument against the bill that we heard at our hearing was the question of constitutionality. Opponents cite Article I, Section 2, of the Constitution which states that the House ''shall be composed of members chosen . . . by the people of the several states.'' But those words were not written in a vacuum. Just six sections later, the framers of the Constitution gave Congress authority to ''exercise exclusive legislation in all cases whatsoever'' regarding the District. Numerous legal scholars, including Judge Ken Starr and former Assistant Attorney General Viet Dinh, both of whom have testified before Congress on this issue—said this broad authority is sufficient to give District residents full House representation.

Congress has repeatedly used this authority to treat the District of Columbia as a state. In 1940, the Judiciary Act of 1789 was revised to broaden the definition of diversity jurisdiction, which refers to the authority of the federal courts to hear cases where the parties are from different states, to include the District of Columbia. This revision upheld by the courts when challenged.

The courts have also found that Congress has the authority to impose federal taxes on the District; to provide a jury trial to residents of the District; and to include the District in interstate commerce regulation. These are rights and responsibilities granted to states in the Constitution, yet the District Clause has allowed Congress to apply them to DC.

We should also remember that Congress has granted voting rights to Americans abroad in their last state of residence regardless of whether they are citizens of that state, pay taxes in that state, or have any intent to return to that state. Clearly, the courts have supported broader interpretations of Article I, Section 2 of the Constitution.

If, after listening to these arguments, you still doubt the constitutionality of this legislation, I hope I can persuade you to support it because it is the right thing to do, and we can let the courts resolve the constitutional dispute at a later date, once and for all. S. 1257 requires expedited judicial consideration of any appropriate court challenge, so any question of constitutional interpretation will be answered promptly.

Finally, allow me to reassure skeptics that in no way does this bill open the door to granting the District voting representation in the Senate, as some have contended. In fact, language was added in our Committee markup explicitly stating that DC, and I quote here, ''shall not be considered a state for purposes of representation in the United States Senate.'' End of quote. It can't get any clearer than that.

The vote we are about to cast will decide whether the Senate should proceed to the bill. It is a vote on whether this legislation is worthy of Senate consideration. No matter where you stand on the merits of this bill, surely you must agree that a bill on voting representation and equal rights deserves consideration by the United States Senate. The Senate has not filibustered a civil rights bill since the summer of 1964 when it spent 57 days including six Saturdays on the Civil Rights Act of 1964. Let us together assure the American public that the days of filibustering voting rights bills are over.

The House has acted. It is now time for the Senate to do the same. The legislation introduced in both the House and the Senate is an expression of fairness and bipartisanship, an example of what we can do when we work across party lines as the good people of this nation have so often asked us to do.

Members from both parties and both houses have finally come together to find a solution to break the stalemates of the past that have denied DC residents equal representation in the Congress of the United States. Now is the time to give the residents of the District what they so richly deserve and that is the same civic entitlement that every other federal tax-paying American citizen enjoys, no matter where he or she lives. By giving the citizens of the District of Columbia a genuine vote in the House, we will ensure not only that their voices will finally be fully heard. We will be following the imperatives of our national democratic values.

The PRESIDING OFFICER. Who seeks time?

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 257, S. 1257, a bill to provide the District of Columbia a voting seat, and for other purposes.

Harry Reid, Joe Lieberman, Patrick Leahy, Russell D. Feingold, Benjamin L. Cardin, Robert P. Casey, Jr., Bernard Sanders, B.A. Mikulski, Byron L. Dorgan, Patty Murray, Dianne Feinstein, Mary Landrieu, Kent Conrad, Robert Menendez, Mark Pryor, Ken Salazar, Jim Webb.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Bennett	Hatch	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—42

Alexander	Crapo	Lott
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Baucus	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Stevens
Cochran	Hutchison	Sununu
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Warner

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 57 and the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. OBAMA. Mr. President, I rise today to speak about the DC voting rights bill that the Senate just voted on. I am disappointed that this measure failed to receive the necessary 60 votes in order for the bill to be considered.

This is a bill that seeks to protect the most fundamental right of citizens in our democracy the right to vote. Different generations in our Nation's history have struggled to gain and safeguard this universal right—from the 15th amendment, which extended the right to vote to newly freed slaves, to the 19th amendment, which guaranteed the right to women, and finally to the Voting Rights Act, which gave real substance to voting laws that had been previously abused. Yet, as we speak, this most basic right in a democracy is denied to the citizens of the District of Columbia.

Our brave civil rights leaders sacrificed too much to ensure that every American has the right to vote for us to tolerate the disenfranchisement of the nearly 600,000 residents of the District of Columbia. Those who live in our Nation's Capital pay taxes like other Americans. They serve bravely in the Armed Forces to defend our country like other Americans. They are called to sit on Federal juries like other Americans. Yet they are not afforded a vote in Congress. Instead, they are granted a nonvoting Delegate who can sit in the House of Representatives and serve on committees but cannot cast a vote when legislation comes to the floor.

As a community organizer in Chicago and as a civil rights attorney, I learned that disenfranchisement can lead to disengagement from our political system. In many parts of DC, you can look down the street and see the dome of the U.S. Capitol. Yet so many of these streets couldn't be more disconnected from their Government.

If we are to take seriously our claim to a government of, by, and for the people, Washington shouldn't be just the seat of our Government, but it also should reflect the core values and fundamental promise of our democracy. Denying the right to vote to citizens who are equally subject to the laws of this Nation undermines a central premise of our representative Government. The right to vote belongs to every American, regardless of race, creed, gender, or geography.

For these reasons, I fully support this important legislation. Although today's vote is a disappointment, I will continue to work with Mayor Fenty, Congresswoman NORTON, and the sponsors of this bill until the residents of the District of Columbia achieve full representation in Congress.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin (for Specter/Leahy) amendment No. 2022, to restore habeas corpus for those detained by the United States.

Warner (for Graham/Kyl) amendment No. 2064, to strike section 1023, relating to the granting of civil rights to terror suspects.

Mr. SMITH. Madam President, I ask unanimous consent to call up my amendment No. 2067.

Mr. MCCAIN. Madam President, reserving the right to object, I will object. I say to my friend from Oregon, I understand this is the hate crimes bill. I appreciate his passion and commitment on this issue. There is no one more respected in the Senate who has had the situation of my distinguished friend from Oregon. But we are on the Defense bill. We have to move forward with the amendments. We have to get it done. We have both Iraq as well as the impending 1st of October date staring us in the face. At this time I object to the request by the Senator from Oregon.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, we have had an informal discussion. I am sad that there is not an opportunity on this bill to bring up the hate crimes bill. I do hope there is a way, following this session, to bring up the hate crimes bill. It has broad support and deserves to be heard and, I hope, passed. I discussed with Senator MCCAIN the possibility that the Senator from Delaware would now be recognized. We agreed that he would at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2335.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Madam President, I reserve the right to object.

Mr. BIDEN. Madam President, I will not call it up at the moment. I withdraw the request.

I do ask unanimous consent that Senators GRAHAM, CASEY, BROWN, and SANDERS be added as cosponsors to amendment No. 2335.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I want to explain briefly what this amendment does. It adds $23.6 billion to allow the Army to replace all of its up-armored HMMWVs with mine resistant ambush protected vehicles, the so-called MRAPs. It also adds a billion dollars to increase the cost of the 8,000 MRAPs we are trying to purchase today. In terms of the specifics of this amendment, the idea is simple. If we can prevent two-thirds or more of our casualties with a vehicle that is basically a modified and armored truck, we have to do all in our power to do it, in my view.

Last, it provides $400 million for better protection against explosively formed penetrators or EFPs. These are those shaped-charges that hit our vehicles from the side and are increasingly deadly.

I want to be straight with my colleagues. This is a very expensive amendment. Twenty-five billion dollars is a lot of money. But compared to saving the lives and limbs of American soldiers and marines, it is cheap.

Our commanders in the field tell us that MRAPs will reduce casualties by 67 to 80 percent.

The lead commander on the ground in Iraq, LTG Ray Odierno, told us months ago that he wanted to replace every Army up-armored HMMWV in Iraq with an MRAP.

Instead of adjusting the requirement immediately, the Pentagon has taken its time to study this issue and just recently they have agreed that the general needs a little over half of what he asked for. 10,000 instead of approximately 18,000.

This makes no sense. Are we only supposed to care about the tactical advice of our commanders in the field when it is cheap?

I don't think that is what the American people or our military men and women expect from us.

More importantly, while we argue about the best strategy for Iraq, we must still protect those under fire. I disagree with the President's strategy in Iraq. I do not believe a strong central government will lead to a stable, self-sufficient Iraq.

I think we need a new strategy that focuses on implementing the Iraqi constitution's call for federalism and refocuses the mission of American forces on fighting al-Qaida, border protection, and continuing to train the Iraqi forces.

While we disagree on strategy, the fight continues in the alleys of Baghdad and the streets of Diyala Province. American soldiers and marines are targets every day they are there. So every day they are there, we must give them the best protection this nation has.

The American political process is designed to make change and decision-making a slow and deliberative process. Those of us who want a change in strategy have three options.

One, we must convince enough colleagues to sustain a veto from the President; or, two, we must convince the American people to elect enough new Senators and House Members willing to sustain a veto. Or, finally, three, we must convince the American people to elect a President willing to change strategies. That is reality. I believe in this system, which means I will not walk away from my duty to try to convince both my colleagues and the American people that there is a better path to stability in Iraq.

It also means that I will not give up on my obligation to our military men and women.

While we take the time necessary to move the political process for change, they face improvised explosive devices, rocket propelled grenades, explosively formed penetrators, sniper fire, and suicide bombers every day. We have an obligation to protect each and every one of them to the best of our ability. I agree with the Commandant of the Marine Corps, GEN James Conway when he said, ''Anything less is immoral.''

In terms of the specifics of this amendment, the idea is very simple. If we can prevent two-thirds or more of our casualties with a vehicle that is basically a modified and armored truck, we must do all in our power to do that.

Will it be a challenge to American industry to build close to 23,000 MRAPs in the next 12 to 15 months? Absolutely. Can they do it? Only if we give them a real chance. If we provide funding up front for all that is needed, we give business the ability to increase capacity to produce. If we give little bits here and there, they and their subcontractors will be limited in their ability to produce these life-saving vehicles. Less will be produced and more Americans will return injured or dead.

I gave a statement on July 19, when I first introduced this amendment, that laid out some of the history of the MRAP program. I won't go into all of that again, but I will reiterate the key choice my colleagues have to make: Do we do our best to save American lives, knowing that the only downside is the possible need to reprogram funding at the end of the year, or do we care more about some unknown topline wartime funding number than those lives?

I urge my colleagues to support this amendment.

I thank the managers of the bill and yield the floor.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have had conversations with the two managers, Senator MCCAIN and Senator LEVIN. I would hope people who feel strongly about the amendment that is pending; that is, the habeas corpus amendment, would come and speak on this amendment. The floor is open for debate on that issue. It is an extremely important amendment. No matter how you feel about it, it is important—whether you are for it or against it. I would hope Senators would come and talk about that amendment.

I have also spoken with Senator LEVIN and Senator MCCAIN about how we proceed from this point forward. We have been somewhat tepid in moving forward because we did not know how the vote would turn out on the DC voting rights. We know that now, so we are moving ahead as quickly as we can on the Defense authorization bill because that matter is out of the way procedurally.

What I have spoken to the two managers about is that we would have the Defense authorization bill, and as a sidetrack, we would have Iraq amendments—a finite number from the Democrats, a finite number from the Republicans. We would work on time agreements for those amendments. Our floor staff is trying to draw something up and submit that to the Republican leader. I have not today—even though I have spoken to him in the past about that—spoken to him about that, although we have spoken to Senator KYL, Senator MCCAIN, Senator LOTT, and others. The distinguished Republican leader was simply off the floor at the time. So our two staffs are coming up with something in writing to see if there is a way we can move forward on that; otherwise, we will offer them as part of the Defense authorization bill.

On this matter, I have the greatest comfort level with Senator LEVIN's ability to manage this bill. He has, in years past, done such a remarkably good job. For many years, it has been Senator WARNER working with him. Now, because of the change in the ranking membership of that committee, it is Senator MCCAIN, who also is very experienced. So we should be able to move this legislation along, I hope, quickly.

There is a lot to do on this bill, and I would hope Members on this side would listen to what Senator LEVIN has to say and come when it is to their interest, and maybe even sometimes when it is not to their interest, but at least in an effort to dispose of this legislation.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that I be permitted to speak as in morning business for up to about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS are printed in today's RECORD under ''Morning business.'')

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I would like to repeat what my friend and distinguished chairman said: We need to get opening statements done. The debate has now begun on the National Defense Authorization Act for Fiscal Year 2008. We are looking at the date of September 18, and we want to get this bill done as quickly as possible and to conference with the House so we can provide the much needed equipment, training, pay, and care for our veterans as well as our military personnel. I urge my colleagues, if they have any statements to make on this bill, that they come over and make them.

I also would like to point out, as my friend from Michigan has, that we will be working on the large number of amendments on the bill as well as the provisions on Iraq. The sooner we complete action on this legislation, the sooner we can get it to conference with the other body and to the President's desk for signature.

This is not the first time we have addressed this bill, and I hope it is the last for the National Defense Authorization Act, at least for fiscal year 2008. I again express my appreciation and admiration for the distinguished chairman, Senator LEVIN, who has not only worked closely with this side of the aisle but also has worked very hard to forge a bipartisan bill that received a unanimous vote from the committee

upon its reporting to the floor of the Senate. Obviously, we have a great debate here again on the issue of Iraq with the consideration of several amendments, so I hope we will be able to also dispose of those as quickly as possible.

As all of my colleagues know, we have received the much anticipated testimony of GEN David Petraeus and Ambassador Ryan Crocker, and the Senate now begins a debate of historic proportions. In my opinion, at stake is nothing less than the future of Iraq, the Middle East, and the security of all Americans for decades to come. The Senate faces a series of stark choices: whether to build on the success of the surge and fight for additional gains or whether to set a date for Americans to surrender in Iraq and thereby suffer the terrible consequences that will ensue. As we consider each of the Iraq-related amendments filed on this bill, let us understand the enormous consequences of decisions that are taken here.

Henry Kissinger framed the debate in a Washington Post article this weekend, saying:

American decisions in the next few months will affect the confidence and morale of potential targets, potential allies, and radical Jihadists around the globe. Above all, they will define the U.S. capacity to contribute to a safer and better world.

I ask unanimous consent to have the article by Dr. Kissinger from the Washington Post over the weekend printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DISASTER OF HASTY WITHDRAWAL

(By Henry A. Kissinger)

Two realities define the range of a meaningful debate on Iraq policy: The war cannot be ended by military means alone. But neither is it possible to ''end'' the war by ceding the battlefield. The radical jihadist challenge knows no frontiers; American decisions in the next few months will affect the confidence and morale of potential targets, potential allies and radical jihadists around the globe. Above all, they will define the U.S. capacity to contribute to a safer and better world. The imperative is for bipartisan cooperation in a coordinated political and military strategy, even while the political cycle tempts a debate geared to focus groups.

The experience of Vietnam is often cited as the example for the potential debacle that awaits us in Iraq. But we will never learn from history if we keep telling ourselves myths about it. The passengers on American helicopters fleeing Saigon were not U.S. troops but Vietnamese civilians. American forces had left two years earlier. Vietnam collapsed because of the congressional decision to reduce aid by two-thirds to Vietnam and to cut it off altogether for Cambodia in the face of a massive North Vietnamese invasion that violated every provision of the Vietnam Peace Agreement.

Should America repeat a self-inflicted wound? An abrupt withdrawal from Iraq would not end the war; it would only redirect it. Within Iraq, the sectarian conflict could assume genocidal proportions; terrorist base areas could reemerge. Lebanon might slip into domination by Iran's ally, Hezbollah; a Syria-Israel war or an Israeli strike on Iranian nuclear facilities might become more likely as Israel attempted to break the radical encirclement; Turkey and Iran would probably squeeze Kurdish autonomy. The Taliban in Afghanistan would gain new impetus. Countries where the radical threat is as yet incipient, such as India, would face a mounting domestic challenge. Pakistan, in the process of a delicate political transformation, would encounter more radical pressures and might even turn into a radical challenge itself. That is what is meant by ''precipitate'' withdrawal—a withdrawal in which the United States loses the ability to shape events, either within Iraq, on the antijihadist battlefield or in the world at large.

The proper troop level in Iraq will not be discovered by political compromise at home. To be sure, no ''dispensable'' forces should be retained there. Yet the definition of ''dispensable'' must be based on strategic and political criteria. If reducing troop levels turns into the litmus test of American politics, each withdrawal will generate demands for additional ones until the political, military and psychological framework collapses. An appropriate Iraq strategy requires political direction. But the political dimension must be the ally of military strategy, not a resignation from it.

Symbolic withdrawals, urged by such wise elder statesmen as Sens. John Warner and Richard Lugar, might indeed assuage the immediate public concerns. They should be understood, however, as palliatives; their utility depends on a balance between their capacity to reassure the U.S. public and their propensity to encourage America's adversaries to believe that they are the forerunners of complete retreat.

The argument that the mission of U.S. forces should be confined to defeating terrorism, protecting the frontiers, preventing the emergence of Taliban-like structures and staying out of the civil war aspects is also tempting. In practice, it will be difficult to distinguish among the various aspects of the conflict with any precision.

Some answer that the best political result is most likely to be achieved by total withdrawal. The option of basing policies on the most favorable assumptions about the future is, of course, always available. Yet nothing in Middle East history suggests that abdication confers influence. Those who urge this course need to put forward their recommendations for action if what occurs are the dire consequences of an abrupt withdrawal foreseen by the majority of experts and diplomats.

The missing ingredient has not been a withdrawal schedule but a political and diplomatic design connected to a military strategy. The issue is not whether Arab or Muslim societies can ever become democratic; it is whether they can become so under American military guidance in a time frame for which the U.S. political process will stand.

American exhortations for national reconciliation are based on constitutional principles drawn from the Western experience. But it is impossible to achieve this in a six-month period defined by the ''surge'' in an artificially created state racked by the legacy of a thousand years of ethnic and sectarian conflicts. Experience should teach us that trying to manipulate fragile political structures—particularly one resulting from American-sponsored elections—is likely to play into radical hands. Nor are the present frustrations with Baghdad's performance a sufficient excuse to impose a strategic disaster on ourselves: However much Americans may disagree about the decision to intervene or about the policy afterward, the United States is in Iraq in large part to serve the American commitment to global order, not as a favor to the Baghdad government.

It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were chosen on a sectarian basis. A wiser course would be to place more emphasis on the three principal regions and promote technocratic, efficient and humane administration in each. The provision of services and personal security coupled with emphasis on economic, scientific and intellectual development may represent the best hope for fostering a sense of community. More efficient regional government leading to a substantial decrease in the level of violence, to progress toward the rule of law and to functioning markets could over time give Iraqis an opportunity for national reconciliation—especially if no region is strong enough to impose its will on the others by force. Failing that, the country may well drift into de facto partition under the label of autonomy, such as already exists in the Kurdish region. That very prospect might encourage the Baghdad political forces to move toward reconciliation. Much depends on whether it is possible to create a genuine national army rather than an agglomeration of competing militias.

The second and ultimately decisive route to overcoming the Iraqi crisis is through international diplomacy. Today the United States is bearing the major burden for regional security militarily, politically and economically in the face of passivity of the designated potential victims. Yet many other nations know that their internal security and, in some cases, their survival will he affected by the outcome in Iraq. That passivity cannot last. These countries must participate in the construction of a civil society, and the best way for us to foster those efforts is to turn reconstruction into a cooperative international effort under multilateral management.

It will not be possible to achieve these objectives in a single, dramatic move: The military outcome in Iraq will ultimately have to be reflected in some international recognition and some international enforcement of its provisions. The international conference of Iraq's neighbors and the permanent members of the U.N. Security Council has established a possible forum for this. A U.N. role in fostering such a political outcome could be helpful.

Such a strategy is the best path to reduce America's military presence in the long run; an abrupt reduction of American forces will impede diplomacy and set the stage for more intense military crises down the road.

Pursuing diplomacy inevitably raises the question of how to deal with Iran. Cooperation is possible and should be encouraged with an Iran that pursues stability and cooperation. Such an Iran has legitimate aspirations that need to be respected. But an Iran that practices subversion and seeks regional hegemony—which appears to be the current trend—must be faced with lines it will not be permitted to cross: The industrial nations cannot accept radical forces dominating a region on which their economies depend, and the acquisition of nuclear weapons by Iran is incompatible with international security. These truisms need to be translated into effective policies, preferably common policies with allies and friends.

None of these objectives can be realized, however, unless two conditions are met: The United States needs to maintain a presence in the region on which its supporters can count and which its adversaries have to take seriously. The country must recognize that whatever decisions are made now, multiple crises in Iraq, in the Middle East and to

world order will continue after a new administration takes office. Bipartisanship is a necessity, not a tactic.

Mr. MCCAIN. Madam President, let us proceed with this debate, keeping in mind that the underlying bill, the National Defense Authorization Act, contains many non-Iraq provisions which constitute good defense policy and which will strengthen the ability of our country to defend itself. That is why the committee voted unanimously to report the bill, which fully funds the President's $648 billion defense budget request, authorizes a 3.5-percent pay raise for all military personnel, increases Army and Marine end-strength, reforms the system that serves wounded veterans, and provides necessary measures to avoid waste, fraud, and abuse in defense procurement. It is a good bill. It is a bipartisan bill. I believe we need to send it to the President's desk.

While the Senate moved off the bill in July and on to other things and then went on to a month-long recess, America's soldiers, marines, sailors, and airmen continued fighting bravely and tenaciously in Iraq in concert with their Iraqi counterparts. Some Senators undoubtedly welcomed the delay in considering the Defense bill, believing that General Petraeus would deliver to Congress a report filled only with defeat and despair. If this was their hope, they were sorely disappointed. As we all now know, General Petraeus and Ambassador Crocker reported what some of us argued before the bill was pulled 2 months ago: that the surge is working, that we are making progress toward our goals, and that success, while long, hard, and by no means certain, is possible. We are succeeding only after 4 years of failures, years which have exacted an enormous cost on our country and on the brave men and women who fight in Iraq on our behalf.

Some of us from the beginning warned against the Rumsfeld strategy of too few troops, insufficient resources, and a plan predicated on hope rather than on the difficult business of stabilization and counterinsurgency. We lost years to that strategy, years we cannot get back. In the process, the American people became saddened, frustrated, and angry. I, too, am heartsick at the terrible price we have paid for nearly 4 years of mismanaged war. But I also know America cannot simply end this effort in frustration and accept the terrible consequences of defeat in Iraq. We cannot choose to lose in Iraq. I believe we must give our commanders the time and support they have asked for to win this conflict.

Ralph Peters, the distinguished military strategist, summed it up best, noting that Congress's failure to support General Petraeus:

> Would be a shame, since, after nearly 4 years of getting it miserably wrong in Iraq, we are finally getting it right.

In 2 days of testimony and countless interviews, General Petraeus and Ambassador Crocker described how we are finally getting it right. We finally have in place a counterinsurgency strategy, one we should have been following from the beginning, which makes the most effective use of our strength and does not advance the tactics of our enemy. This new strategy, backed by a tactical surge in troops, is the only approach that has resulted in real security improvements in Iraq.

General Petraeus reported that the overall number of ''security incidents'' in Iraq has declined in 8 of the last 12 weeks and that sectarian violence has dropped substantially since the change in strategy. Civilian deaths nationwide are down by nearly half since December and have dropped by some 70 percent in Baghdad. Deaths resulting from sectarian violence have come down by 80 percent since December, and the number of car bombings and suicide attacks has declined in each of the past 5 months. Anyone who has traveled recently to Anbar or Diyala or Baghdad can see the improvements that have taken place over the past months. With violence down, commerce has risen, and the bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit. This is not to argue that Baghdad or other areas have suddenly become safe—they have not—but such positive developments illustrate General Petraeus's contention that Americans and Iraqi forces have achieved substantial progress.

There are many challenges remaining, and the road ahead is long and tough. The Maliki government has not taken advantage of our efforts to enable reconciliation and is not functioning as it must. While violence has declined significantly, it remains high, and success is not certain. We can be sure, however, that should the Congress choose to lose by legislating a date for withdrawal, and thus surrender, or by mandating a change in mission that would undermine our efforts in Iraq, then we will fail for certain. Make no mistake, the consequences of America's defeat in Iraq will be terrible and long lasting.

There is in some corners a belief that we can simply turn the page in Iraq, come home, and move on to other things. This is dangerously wrong. If we surrender in Iraq, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Two weeks ago, General Jim Jones testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course: ''a precipitous departure which results in a failed state in Iraq,'' he said, ''will have a significant boost in the numbers of extremists, jihadists, in the world, who will believe that they will have toppled the major power on Earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas.''

Some Senators would like to withdraw our troops from Iraq so we can get back to fighting what they believe to be the real war on terror. This, too, is inaccurate. Iraq has become the central front in the global war on terror, and failure there would turn Iraq into a terrorist sanctuary, in the heart of the Middle East, next door to Iran, the world's largest state-sponsor of terrorism. If we fail in Iraq, we will concede territory to jihadists to plan attacks against America and our friends and allies. The region could easily descend into chaos, wider war, and genocide, and we should have no doubt about who will take advantage.

The Iranian President has stated his intentions bluntly. This is the same fellow who announced his dedication and his nation's dedication to the extinction of the state of Israel the same President of the country that is exporting lethal explosive devices of the most lethal and dangerous kind into Iraq, killing American service men and women. This President said this:

> Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap.

We cannot allow an Iranian dominated Middle East to take shape in the context of wider war and terrorist safehavens. General Jones is just one of many distinguished national security experts who warn against the consequences of a precipitous withdrawal from Iraq. As Brent Scowcroft said, ''The costs of staying are visible; the costs of getting out are almost never discussed . . . If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.'' Natan Sharansky has, written that a precipitous withdrawal of U.S. forces ''could lead to a bloodbath that would make the current carnage pale by comparison.'' And Henry Kissinger warns that, ''An abrupt withdrawal from Iraq would not end the war; it would only redirect it.''

The proponents of withdrawal counter that none of these terrible consequences would unfold should any of their various proposals become law. On the contrary, they argue, U.S. forces could, when not engaged in training the Iraqi forces, engage in targeted counterterrorism operations. But our own military commanders say that such a narrow approach to the complex Iraqi security environment will not succeed, and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is a recipe for failure. How can they be so sure? It's simple—this focus on training and counterterrorism constitutes the very strategy that so plainly failed for the first four years of this war. To return to such an unsuccessful approach is truly ''staying the course,'' and it is a course that will inevitably lead to our defeat and to catastrophic

consequences for Iraq, the region, and the security of the United States.

General Petraeus and his commanders have embraced a new strategy, one that can, over time, lead to success in Iraq. They are fighting smarter and better, and in a way that can give Iraqis the security and opportunity to make decisions necessary to save their country from the abyss of genocide and a permanent and spreading war, and in a way that will safeguard fundamental American interests. They ask just two things of us: the time to continue this strategy and the support they need to carry out their mission. They must have both, and I will fight to ensure that they do.

As we engage in this debate, I hope that each of us will recall our most solemn allegiance, which is not to party or politics but to country. I have heard on this floor the claim that our efforts in Iraq somehow constitute ''Bush's war'' or the ''Republican war.'' Nothing could be farther from the truth. Presidents do not lose wars. Political parties do not lose wars. Nations lose wars and suffer the consequences, or prevail and enjoy the blessings of their success.

All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic.

This is a serious debate and one we engage at a time of national peril. The Americans who make the greatest sacrifices have earned the right to insist that we do our duty, as best we can and remember to whom and what we owe our first allegiance—to the security of the American people and to the ideals upon which our Nation was founded.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, earlier in the day, there was the attempt of my friend and colleague, Senator SMITH, to at least try to propose an amendment that deals with hate crimes and try to get it into an order and to be able to have consideration of that amendment during the Defense authorization bill. There has been objection. I can understand the importance of the underlying amendment. I certainly believe that underlying amendment has great significance and importance, and we are going to have an opportunity, I believe, tomorrow to vote on it.

I wish to indicate I have every intention, with Senator SMITH, of offering at some time the hate crimes legislation. I know the question comes up: Why are we offering hate crimes legislation on a Defense authorization bill? The answer is very simple: The Defense authorization bill is dealing with the challenges of terrorism, and the hate crimes issue—to try to get a handle on the problems of hate crimes, we are talking about domestic terrorism. We have our men and women who are over in Iraq and Afghanistan and around the world fighting for American values. One of the values we have as Americans is the recognition that we do not believe individuals ought to be singled out because of their race, religion or sexual orientation and be the subject of hate attack.

This has been an ongoing and continuing issue for our country. At another time, I will get into greater detail about the nature of the challenges we are facing on this particular issue. We passed hate crime legislation at the time of Dr. King, but it was somewhat restrictive in terms of its application. We have been reminded about this challenge probably most dramatically with Mr. Shepard out in the Wyoming countryside, who was selected to be a victim of a hate crime and suffered a horrific death.

I, for one, and I think others do, understand we have voted on this on other Defense authorization bills. It has been carried on other Defense authorization bills. I know my friend and colleague, Senator SMITH, would not have taken an unreasonable period of time. We have voted on this issue. We voted in 2004 and in 2000 on this issue. Members are familiar with the substance of the issue. So we don't need a great deal of time. We are glad to cooperate with the floor managers in terms of the time.

I didn't want to let the afternoon go by and leave any doubt. I have had the opportunity to mention this to Senator LEVIN on other occasions. I mentioned it, as well, to our majority leader, Senator REID, who has been supportive. I know Senator LEVIN has been supportive of the substance of it. It seems to me we are talking about Defense authorization and we are talking effectively about the national security and about the values of our country and why our men and women are involved in defending our country and these values. Certainly, we ought to be able to say, as we are dealing with the problem of hatred and violence around the world, that we will battle hatred and violence as it is applied here at home.

As I mentioned, at another time I will go into detail on the history of the legislation and, again, the reasons for it and the facts on this particular issue in recent times.

At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home.

Crimes motivated by hate because of the victim's race, religion, ethnic background, sexual orientation, disability, or gender are not confined to the geographical boundaries of our great Nation. The current conflicts in the Middle East and Northern Ireland, the ethnic cleansing campaigns in Bosnia and Rwanda, or the Holocaust itself demonstrate that violence motivated by hate is a world-wide danger, and we have a special responsibility to combat it here at home.

This amendment will strengthen the Defense Authorization Act by protecting those who volunteer to serve in the military. The vast majority of our soldiers serve with honor and distinction. These men and women put their lives on the line to ensure our freedom and for that, we are truly grateful. Sadly, our military bases are not immune from the violence that comes from hatred.

In 1992, Allen Schindler, a sailor in the Navy was viciously murdered by two fellow sailors because of his sexual orientation. Seven years later, PFC Barry Winchell, an infantry soldier in the Army, was brutally slain for being perceived as gay. These incidents prompted the military to implement guidelines to prevent this type of violence, but there is more that we can do. We have to send a message that these crimes won't be tolerated against any member of society.

A disturbing trend has also been discovered in the military. Last year, the Southern Poverty Law Center reported that members of hate groups have been entering into the military. As recruiters struggle to fulfill their quotas, they are being forced to accept recruits who may be extremists, putting our soldiers at higher risk of hate motivated violence. This can't be tolerated. We must stem the tied of hatred and bigotry by sending a loud and clear message that hate crimes will be punished to the fullest extent of the law.

Since the September 11 attacks, we've seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We have authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid to victims and their families, to strengthen airport security, to improve the security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officials enhanced powers to investigate and prevent terrorism.

Protecting the security of our homeland is a high priority, and there is more that we should do to strengthen our defenses against hate that comes from abroad. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater

than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

Since the September 11 attacks, the Nation has been united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home.

Attorney General Ashcroft put it well when he said:

> Just as the United States will pursue, prosecute, and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute and punish those who attack law-abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source.

Now more than ever, we need to act against hate crimes and send a strong message here and around the world that we will not tolerate crimes fueled by hate.

The Senate should not hesitate in condemning countries that tolerate crimes motivated by the victim's race, religion, ethnic background, sexual orientation, disability, or gender. Hate is hate regardless of what nation it originates in. We can send a strong message about the need to eradicate hate crimes throughout the world by passing this hate crimes amendment to the Defense Department Authorization Bill.

We should not shrink now from our role as the beacon of liberty to the rest of the world. The national interest in condemning bias-motivated violence in the United States is great, and so is our interest in condemning bias-motivated violence occurring world-wide.

The hate crimes amendment we are offering today condemns the poisonous message that some human beings deserve to be victimized solely because of their race, religion, or sexual orientation and must not be ignored. This action is long overdue. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, first, I concur with something Senator MCCAIN said which is that the floor is open now for people to come down and speak, either on the bill, on the pending habeas corpus amendment, or on any other matter on which they wish to speak. There will be no more votes today, I am authorized to say. Also, there will be a cloture vote tomorrow at approximately 10:30 a.m. on the Specter-Leahy-Dodd amendment. Then we hope to take action relative to the Graham amendment. There are some discussions going on relative to that amendment. Then, hopefully, we would promptly move to take up the Webb amendment. It is the intention of this manager that the Webb amendment then be called up immediately after the disposition of, first, the Specter-Leahy-Dodd cloture vote and then the Graham amendment, and it is my intention that Senator WEBB then have his amendment called up. I believe Senator WEBB will be ready to proceed at that time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, will the distinguished chairman yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. MCCAIN. Madam President, it is my understanding in my conversations with the chairman, we are moving forward in narrowing down amendments so we have an additional managers' package so we have a manageable number of amendments that need to be debated and voted on, and we will try to get time agreements on those, as well as the Iraqi amendments.

Mr. LEVIN. The Senator is correct. I did fail to mention that the leaders are meeting to see if there can't be a unanimous consent agreement worked out relative to the Iraq amendments. Senator REID described that proposed unanimous consent agreement, but that is going on.

The Senator from Arizona is correct, we are going to seek to reduce the number of amendments that require rollcalls. We are going to seek time agreements. We have a huge number of amendments which have been filed, in the two hundreds. We made some progress because we disposed of 50 amendments the other day.

We very much thank Senator MCCAIN, by the way, and his staff, and Senator WARNER, for the efforts they are putting into this legislation. Senator MCCAIN is a very easy person with whom to work. We are used to having people on the committee who are both chairman and ranking member, regardless who is in control of the committee, work on a bipartisan basis. Senator MCCAIN is surely in that tradition. We are grateful for that effort.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman for his kind remarks. All things considered, I would rather the situation be reversed, but I certainly do appreciate the opportunity.

One of the nice things about this body is that over a 20-year period, the Senator from Michigan and I have had the honor of working together on behalf of this Nation's defense on this very important committee, the Armed Services Committee. One of the previous chairman's statues presides in the office named after him—the office in which we both work and where we spend our time on the committee. I believe given our past history, I say to the chairman, that it is very possible we could dispose of this bill by the end of the week. One of the reasons why the chairman and I both made the argument to our colleagues to get it done is because we have to go to conference with the House, the other body, which has a number of different provisions that have to be reconciled. Then we have to get it to the President's desk, and October 1 is the beginning of a new fiscal year. So I hope our colleagues all appreciate the urgency.

One of the provisions of this legislation is the Wounded Warriors. We were all appalled at the conditions at Walter Reed. That is why we in the committee, with some guidance from a distinguished commission—a lot of guidance from a distinguished commission, headed by Senator DOLE and former Secretary Shalala. These are very important issues for the medical care of the men and women who are serving. It will not happen unless we get this legislation passed. So we are kind of asking for a higher calling here to understand the necessity to get this bill to the President's desk before the October 1.

Of course, we can have a continuing resolution. We have done that, not on the DOD bill, as I recall. I don't know if the chairman recalls it. That, obviously, does not do what these thousands of hours of hard work on our part and on the part of the military leaders and the members of staff do.

It is my fine hope, I say to the chairman, that we are able to finish this bill this week with the cooperation of all involved.

I yield the floor.

Mr. LEVIN. Madam President, while we hope the Senator from Arizona is right and we can complete the bill this week, we also are aware of the fact that on Friday, we do have to leave here somewhat early because of the Jewish holidays. That will be only part of the day. I hope we can make tremendous progress this week. It may be a bit optimistic in terms of finishing it this week. That is going to depend on the cooperation of our colleagues. We have hundreds of amendments. We need colleagues who can clear many of them, and we need time agreements on the rest. It depends on our colleagues.

We are going to do everything we can to continue a great tradition here. May I say, this is the 46th year in a row that the authorization bill has come to the floor, and we are not going to break the record of having an authorization for every one of those previous 45 years. We always had it because of the provisions of the bill which are so important—the pay and benefits and the support of not only our troops but also their families.

When the Senator from Arizona made reference to the Wounded Warriors legislation, I know our Presiding Officer, Senator MCCASKILL, because of her active role and participation in that legislation, understands precisely what we

are saying. That legislation is so important that it is not only in the bill but it is in a separate bill which was passed that is now awaiting, hopefully, a resolution between the Senate and the House. But in any event, the Senator is correct, the presence of that legislation in this bill may be the greatest assurance we have that legislation is going to become law. There are a lot of reasons, hundreds of reasons, why we need this authorization bill passed. That is surely one of the most important ones, one that has had the support of so many of our Members. So many of our Members and our Veterans' Affairs Committee have been so active with that legislation as well.

I join in the comments of my good friend from Arizona and hope our colleagues will come to the floor now. We can take up matters. We can get unanimous consent. We can even set aside pending matters. There are things we can do this afternoon. I do hope our colleagues will come to the floor and give their speeches on habeas corpus or other subjects.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I rise today in the course of this Defense authorization bill to discuss an amendment which I am working on and preparing to offer. It is an important amendment to this bill. It is a critically important amendment for our Nation. It is an amendment known as the DREAM Act.

The DREAM Act is a narrowly tailored bipartisan measure that I have sponsored with Republican SENATOR CHUCK HAGEL of Nebraska, Republican Senator DICK LUGAR of Indiana, and in past years with Senator ORRIN HATCH of Utah. It would give a select group of students in America a chance to become permanent residents only if they came to this country as children, are long-term U.S. residents, have good moral character, and enlist in the military or attend college for at least 2 years. The DREAM Act is supported by a large coalition in the Senate, and also by military leaders, religious leaders, and educators from across the political spectrum and around the country.

During the 109th Congress, the DREAM Act was adopted unanimously as an amendment to the immigration reform legislation that passed in the Senate. In the 108th Congress, the DREAM Act was the only immigration reform proposal reported to the Senate floor on a bipartisan 16-to-3 vote by the Senate Judiciary Committee.

Now, obviously, in the midst of the Defense authorization bill, some people question why one might bring up an immigration issue. The answer is simple: The DREAM Act would address a very serious recruitment crisis facing our military. Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. They are eager to serve in the armed services, and under the DREAM Act, they would have a very strong incentive to enlist because it would give them a path to permanent legal status.

First, let us look at the recruitment crisis we face today. Largely due to the wars in Iraq and Afghanistan, the Army is struggling to meet recruitment quotas. Because of these recruitment difficulties, the Army is accepting more applicants who are high school dropouts, have low scores on military aptitude tests, and, unfortunately, have criminal backgrounds.

The statistics tell the story. In 2006, almost 40 percent of Army recruits had below-average scores on the military aptitude test. That is the highest rate of students with low scores since 1985. In 2006, almost 20 percent of Army recruits did not have a high school degree. This is the highest rate of high school dropouts enlisting in the Army since 1981. By comparison, from 1984 to 2004, 90 percent or more of Army recruits had high school diplomas. Why does this matter? The Army said itself that high school graduation is the best single predictor of ''stick-to-itiveness'' that is required to succeed in the military and in life.

Charles Moskos, a Northwestern University sociologist, is an expert in military culture, and he says:

> The more dropouts who enlist, the more discipline problems the Army is likely to have.

Even more disturbing, the number of so-called moral waivers for Army recruits who have committed crimes has increased by 65 percent in the last 3 years, from 4,918 in 2003 to 8,129 in 2006. Many of these waivers are for serious crimes—aggravated assault, burglary, robbery, and even vehicular homicide. In fact, individuals with criminal backgrounds were 11.7 percent of the 2006 recruiting class. Now, in contrast, under the DREAM Act, all recruits would be well-qualified high school graduates with good moral character.

Let me tell you how the DREAM Act would work. Currently, our immigration laws prevent thousands of young people from pursuing their dreams and really becoming part of America's future. Their parents brought these children to the United States when they were under the age of 16. For many, it is the only home they know. They are fully assimilated into American society. They really don't want much more than just to be Americans and to have a chance to succeed. They have beaten the odds all of their young lives. The kids who would be helped by the DREAM Act face a high school dropout rate among undocumented immigrants of 50 percent. So it is a 50–50 chance that they would even qualify to be part of this act.

Incidentally, the dropout rate for legal immigrants is 21 percent and for native-born Americans, 11 percent. So already these young people would have to beat the odds and graduate from high school to even qualify to be considered.

They have also demonstrated the kind of determination and commitment that makes them successful students and points the way to significant contributions they will make in their lives. They are junior ROTC leaders, honor roll students, and valedictorians. They are tomorrow's soldiers, doctors, nurses, teachers, Senators, and Congressmen.

Over the years, I have had a chance to meet a lot of these DREAM Act kids. That is what they call themselves, incidentally. Let me give you one example. Oscar Vasquez was brought to Phoenix, AZ, by his parents when he was 12 years old. He spent his high school years in Junior ROTC and dreamed of one day enlisting in the U.S. military. At the end of his junior year, the recruiting officer told Oscar he was ineligible for military service because he was undocumented. He was devastated.

But he found another outlet for his talent. Oscar, because of the help of two energetic science teachers, was enrolled in a college division robot competition sponsored by the National Aeronautics and Space Administration. With three other undocumented students, Oscar worked for months in a windowless storage room in his high school and tested their invention at a scuba training pool on the weekends. Competing against students from MIT and other top universities, Oscar's team won first place in this robot competition.

Oscar has since graduated from high school. You know what he does? He is not in the military. He is not using his scientific skills. He is an undocumented person in America. He hangs sheetrock for a living. It is the best job he could get without a college education or the opportunity to enlist in the military. He wants to save his money in hopes that someday—just someday—the door will open and give him a chance to be part of this Nation, the only Nation he has really ever known. Couldn't we use his talent? Couldn't the military use someone like Oscar? The DREAM Act would help students just like him. It is designed to assist only a select group of students who would be required to earn their way to legal status.

Now, the fundamental premise of the DREAM Act is that we shouldn't punish children for the mistakes their parents made. That isn't the American way. The DREAM Act says to these students: America is going to give you a chance. It won't be easy, but you can earn your way into legal status. We will give you the opportunity if you meet the following requirements: if you came to the United States when you were 15 years old or younger, if you

have lived here at least 5 years, are of good moral character, and you graduate from high school and then serve in the military or attend college for at least 2 years.

The DREAM Act doesn't mandate military service. There is a college option. A student who is otherwise eligible could earn legal status that way. It would be inconsistent with the spirit of our volunteer military to force young people to enlist as a condition for obtaining legal status, but the DREAM Act creates strong incentives for military service.

Many DREAM Act kids come from a demographic group that is already predisposed to serve the United States in the military. A 2004 survey by the RAND Corporation found that 45 percent of Hispanic males and 31 percent of Hispanic females between ages 16 and 21 were very likely to serve in the Armed Forces, compared to 24 percent of White males and 10 percent of White females.

It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military and about 8,000 more will enlist each year. These are not citizens; they are legal residents who are willing to serve our country.

I have met them. The second trip I made to Iraq was to a Marine Corps base west of Baghdad. They lined up a group of young marines from Illinois to whom I could say hello. It was a hot and dusty day. They stood there waiting for this Senator to show up. The last one of them in line was a young Hispanic man from Chicago named Jesus. Jesus had with him a brown envelope. He said: Senator, I would like to ask you a favor. He said: I enlisted in the Marines and I am glad to be a marine, but the one thing I would like to do someday is to vote. I am not a citizen and, he said, I need a chance. He said: I hope you can help me get a chance to become a U.S. citizen.

I said to myself, what more could we ask of this young man? He volunteered for the U.S. Marine Corps to go to a battle zone and risk his life for America.

I listen to speeches on the floor here. My friend from Alabama, Senator SESSIONS, comes to the floor on a regular basis and criticizes the DREAM Act. He criticizes this bill that would give young people who are undocumented and graduate from high school, of good moral character, without a criminal background, who want to serve our Nation in the military on their path to becoming legal. He criticizes this bill. He calls it amnesty.

Do you know what, an amnesty is a giveaway. Amnesty is a card to pass ''Go'' and collect $200 in America. Do you think those who would volunteer for the military, who are willing to risk their lives for our country, are going to receive amnesty? Is this a gift? It is a gift to America that they are willing to risk their lives for our country. It is a gift to America that once having served, they will come back as proud Americans, voting and living in this country. It is a gift to America that they will use their skills and talent to make this a greater nation. For my colleagues to come to the floor and call this amnesty is to, in some ways, denigrate the fantastic sacrifice these young people would be willing to make, who serve in the military to become citizens.

I will concede this is not the only path to citizenship under this DREAM Act. Those who finish 2 years of college would also have a chance. I think that is only fair. To make this contingent only on military service I think would create a situation which is not consistent with a volunteer military. I hate to see us lose these young men and women who want to be part of America and are willing to risk their lives for that opportunity.

A recent study by the Center for Naval Analysis concluded ''non-citizens have high rates of success while serving in the military—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.''

The study also concluded there are additional benefits to enlisting noncitizens. For example, noncitizens ''are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the global war on terrorism.''

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrants with great potential and ambitions to contribute to the military and other sectors of American society.

I am not just speaking for myself here, as the sponsor of this legislation. The Department of Defense recognizes it, and we have worked with them. Bill Carr, the Acting Under Secretary of Defense for Military Personnel Policy, recently said the DREAM Act is ''very appealing'' to the military because it would apply to the ''cream of the crop'' of students, in his words. Mr. Carr concluded the DREAM Act would be ''good for [military] readiness.''

On the Defense authorization bill, I don't believe it is unusual or improper for us to consider a bill that a leader in the Department of Defense said would be good for military readiness.

Last year at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Under Secretary of Defense for Personnel and Readiness, said:

> There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the United States at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness and moral qualifications. . . .

The Under Secretary went on to say:

> . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at West Point, said:

> Passage of the DREAM Act would be highly beneficial to the U.S. military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces . . . passage of this bill could well solve the Armed Forces enlistment recruiting woes.

Do you know what we are offering to young people now to enlist in our military? For many of them, a $10,000 cash bonus, right out of high school, if they will enlist in the military. And if they will show up within 6 weeks, we double it to $20,000, the largest cash incentive we have ever offered. These young people aren't looking for a cash incentive. All they want is a chance to fight for America, to defend our country and to become part of our Nation's future.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

> It's a substantial pool of people and I think it's crazy we are not tapping into it.

These experts are right. The DREAM Act kids are ideal recruits. They are high school graduates, they have good moral character, and they desperately want to serve America. At the time when the military has been forced to unfortunately lower many of its standards to meet recruitment targets, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents us. We can allow a generation of immigrant students with great potential and ambition to contribute more to America, or give them the future of living in the shadows, uncertain about what they can do, uncertain about where life will lead them.

I am going to urge my colleagues to support this legislation and I hope they will, for a moment, pause and reflect. There have been a lot of things said about immigration during the course of this debate. I look back on this issue as one who doesn't come to it objectively. I am the son of an immigrant. My mother came to this country as a young girl at the age of 2 from Lithuania. Her naturalization certificate sits behind my desk upstairs. She became a naturalized citizen at the age of 25. She lived long enough to see me sworn into the Senate, and I was so proud of that day and so proud to be a Senator from the State of Illinois.

I believe in immigration. I believe the diversity of America is our strength; that Black, White, and Brown, from every corner of this Earth we have come together to create something no nation on Earth can rival.

There are those who will always see immigration differently, those who

will question it, and those who will be critical. For those people, I ask them to step back and take an honest look at this. Step back and take an honest look at these young people, meet them, sit down with them, as I have. They will bring tears to your eyes when they talk to you about how hard they are working to make it in this country. They don't get many of the breaks which other kids get, but they keep on trying.

One of my friends is getting his graduate degree in microbiology at the University of Chicago. He keeps going to school because, as he said: Senator, I don't know what to do when I get out of school. I am not a legal American. I am undocumented. My dream is to work for a pharmaceutical company, to do medical research one day. Can we afford to let him go? Can we afford to turn our back on what he will bring to America?

It is interesting to me, before the end of this year we are likely to debate H–1B visas. The debate behind H–1B visas is that we don't have a large talent pool in America. We need to bring the best and brightest from India, from Asia, from Africa, and from Europe. We need to bring them in so our companies in America, starved for talent, that can't find it here, could find it in these visa holders coming in from foreign countries. We will let them work for 3 years or 6 years. Some them may try to stay. Some of them will go home.

But if we are at a point where we don't have a large enough talent pool in America, can we honestly say that these young people, the people who would be benefitted by the DREAM Act, are a talent we can waste? I don't think so.

Just last year I was eating in a restaurant in Chicago. It is a pretty famous breakfast place called Ann Suther's. Tom Tully is an alderman for the city of Chicago, and his family owns the restaurant. He introduced me to a young man with an apron on. He called him Juan and he said: Juan, come over and meet the Senator. He explained to me that Juan, who came to this country illegally, was allowed to stay and become a citizen under the amnesty that was offered by President Reagan 20 years ago. Juan went on to get an engineering degree and went on to work with an engineering firm, but because he remembers that this restaurant offered him a chance to wash dishes when nobody else would give him a job, he shows up every once in a while on a Saturday and works for a few hours for nothing, just to be around his old friends.

Those are heart-warming stories and there are many of them out there. I know there are people who seriously question whether immigration can be debated successfully on the floor of the Senate. I am hoping it can be and I am hoping my colleagues on the Democratic side and the Republican side will join me in this bipartisan effort for these young people, to give them a chance to serve and a chance to excel. It will make their lives better and make America a better nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks fo Mr. CONRAD and Mr. GREGG pertaining to the introduction of S. 2063 are printed in today's RECORD under ''Statements of Inroduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me say I applaud both of the Senators who are working in an exemplary way to try to achieve something that is very difficult to achieve. I applaud them for their effort.

Madam President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is amendment No. 2022 offered by the Senator from Michigan.

Mr. INHOFE. All right. Madam President, I ask unanimous consent to set the pending amendment aside for the purpose of considering my amendment No. 2271 and then to revert back to this pending amendment. It is my understanding that this amendment is one of 10 amendments that is going to be considered.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I am constrained to object on behalf of the managers of the bill.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. All right.

Mr. President, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, there has been a lot of discussion since last week when MoveOn.org, with a very liberal antiwar stance—which we understand has been their position for quite some time, raising millions of dollars for various Democratic Party candidates—ran an ad. Up until the September 10 ad in the New York Times calling General Petraeus ''General Betray Us,'' MoveOn.org seemed to be in line with the Democrat's public statements supporting the troops but opposing the war.

It is my understanding my good friend, the junior Senator from Texas, is going to be having a resolution that will be coming up shortly. I want a chance to talk a little bit about that resolution.

I believe that MoveOn.org's ad crossed the line by attacking the character and integrity of America's top military leader in Iraq.

General Petraeus is a man of honor, honesty, and integrity. He is a West Point graduate. He has held leadership positions in airborne, mechanized, and air assault infantry units in Europe and the United States, including command of a battalion in the 101st Airborne Division, as well as a brigade in the 82nd Airborne Division.

He was the aide to the Chief of Staff of the Army; battalion, brigade, and division operations officer; he has done it all. He was the Executive Assistant to the Chairman of the Joint Chiefs of Staff.

He was the top graduate—not one of the top graduates, but the top graduate—of the U.S. Army Command and General Staff College. He earned M.P.A. and Ph.D. degrees from Princeton University. We are talking about a Ph.D. from Princeton University. This is not an ordinary officer. This is a man with incredible credentials.

He has won multiple awards and decorations, including being recognized by US News & World Report as one of America's 25 best leaders in the year 2005.

He is our top military commander in Iraq and commander of the Multi-National Force-Iraq, confirmed by the Senate as the right man for the job. He was confirmed, I might add, unanimously by the Senate.

The very day General Petraeus sat before Congress to offer his latest report, MoveOn.org ran a full-page ad in the New York Times attacking his message before they even heard his message.

The ad accused General Petraeus of ''Cooking the Books for the White House'' and called him ''a military man constantly at war with the facts.'' Their shameless attack on his character did not stop there. They accused him of being a traitor, calling him ''General Betray Us.''

Well, anyway, MoveOn.org's attempt to discredit General Petraeus is deplorable, and I join with other Members of the Senate in condemning its actions.

I have no issue with news agencies or individuals offering and debating opposing views. That is what we do on this floor every day. However, MoveOn.org crossed the line when they ran the ad attacking the motives and honor of our No. 1 commander on the ground in Iraq.

I support Senator LIEBERMAN's condemnation of MoveOn.org's attempt at character assassination, and I call on them to retract their scurrilous ad with another full-page ad apologizing for their error in judgment. But they would not do it. You know they would not do it. Still, we can try. They don't have the character to do it.

While no American is above scrutiny, this was clearly a calculated move on the part of this organization to undermine the noble efforts of this patriot to execute his duties that we in Congress unanimously sent him to accomplish.

It amazes me how far some will go to root for American failure in Iraq. MoveOn.org clearly placed their political agenda ahead of the best interests of the United States and particularly the men and women of the military when they chose to run that ad.

Now, something interesting happened. A reporter from the Washington Post came up with this, did a little research. According to the director of public relations for the New York Times, the open rate for an ad of that size and type is $181,000. According to a September 14 Washington Post article, the New York Times dramatically slashed its normal rates for the full-page ad.

A spokesman for MoveOn.org confirmed to the Post they paid only $65,000 for the ad. The Post reporter called the Times advertising department without identifying himself and was quoted a price of $167,000 for a full-page black-and-white ad on a Monday. The New York Times refused to offer any explanation for why the paper would give them a rate one-third of their published rate.

Now, my first visit to Iraq was in August of 2003, and my latest visit was on the August 30, 2007. The Iraq I saw last time is not the Iraq I visited in 2003. I would like to say also that between those years I have actually been to the Iraqi AOR, area of operations, some 15 times. During that period of time I have seen these things.

I knew what General Petraeus was going to say when he came here last week because I was with him a few days before that. I read General Petraeus's and Ambassador Crocker's prepared statements and listened intently to their testimonies. I compared their assessment with the assessments I have made over the past 4 years visiting Iraq. It appears our assessments are based on similar events that have occurred in Iraq.

I watched Ramadi as it changed. You might remember a year ago they claimed Ramadi was going to become the terrorist capital of the world. Ramadi is now totally secured.

I visited Fallujah. I have been there several times. I was there during all the elections. I watched those Iraqi security forces go and vote. I watched the American marines go door to door World War II style. Fallujah now—which was the hotbed in Anbar Province of Iraq—is now under total security, and not with U.S. forces but with Iraqi security forces.

I visited Patrol Base Murray, south of Baghdad, and met with local Iraqis who came forward and established provisional units of neighborhood security volunteers. These individuals heard the Americans were coming and were there and cheering, waiting for them to arrive.

I watched these Neighborhood Watch and Concerned Citizens groups take root in Anbar Province and slowly make their way to other cities spreading across Iraq—local civilians willing to stand up and take back their neighborhoods, their cities, and province.

Citizens are marking IEDs with orange paint—undetonated IEDs and PRGs—identifying al-Qaida in their towns and testifying against them. It is something that was not happening a few months before or prior to the surge. They are guarding critical infrastructure and working side by side with the U.S. forces.

I saw the anti-American messages at the mosques. Our intelligence goes into the mosques for each of their weekly meetings. Up through December of this past year, they averaged that 85 percent of the messages were anti-American messages. Since April of this year, there have been no anti-American messages. I guess I learned something that no one else seems to agree with; that is, we spend entirely too much time talking about the political leaders, when the religious leaders are the ones responsible for these major changes. These are the ones who are standing in the mosques and talking about Americans and the coalition forces as their allies, not as adversaries, as they were before.

I visited the Joint Security Stations in Baghdad. It used to be our kids would go out on a mission during the daytime, and they would come back at night to the green zone. They do not do that anymore. These Joint Security Stations—even as to the report that came in, our goal was to have 34, and there are now 32 of those Joint Security Stations. These guys go out, and instead of coming back, they sit and become friends with the Iraqis and actually sleep in the homes of the Iraqi security forces.

I watched the surge operations take effect, visited a former al-Qaida sanctuary, and saw a strengthening of Iraqi forces resulting in an increase in burden sharing.

I observed a steady decrease in the number of attacks in Anbar from 40 to less than 10 a day.

I visited the markets. There is a lot of talk about that. A lot of people go and visit the markets with all kinds of protection. I went to the markets without any protection, and I talked, through an interpreter, to people. I picked out people holding babies, and they were all glad to see us.

I met with U.S. and coalition leaders and commanders, Iraqi leaders and commanders, and local civilian groups on each trip.

I watched the political, economic, and diplomatic growth over time. It has been uneven and frustrating, but it has been a movement in the right direction.

I guess the bottom line is Iraq is achieving progress. No one can debate that. It is not just General Petraeus. It is what the Iraqis say. It is what they are saying, the religious leaders and the political leaders. It is happening, happening since the surge. The surge is clearly working.

The coalition forces are handing back control of Iraq to the Iraqis and to the Iraqi security forces. Local leaders who want better lives for their people are bravely standing up and rejecting the fatalist, cynical, and hate-filled diet fed to them by al-Qaida and other extremists.

Iraqis are realizing that al-Qaida does not offer a long-term vision of hope or an opportunity for them any more than it would for the average Californian or New Yorker or Oklahoman.

A backlash and rebellion against al-Qaida has been going on over the last 6 months in places such as Anbar Province and Babil Province south of Baghdad. When the tribal leaders and clerics in Anbar made the conscious decision to reject al-Qaida, they virtually overnight transformed their province into a model for the rest of the country to emulate. The ''concerned citizens'' of Babil Province—I was there—recognized the progress made in Anbar and decided they wanted to do the same thing. So it is spreading. It is spreading into areas even up toward Tikrit, the hometown of Saddam Hussein.

So al-Qaida understands the importance of the collective American will when it comes to prosecuting the war on terror. They understand they have absolutely no chance of winning this war over the long run militarily. They understand their only chance of achieving victory is to get the American people to call for a withdrawal. If we pull out of the fight, they win. There is no other way to characterize it. This is a strategic military objective for them. Like with any military objective, they have developed a tactic to achieve it. Their tactic in this case is to tear away the American will to win by committing horrific and brutal attacks against innocent victims. They understand that Americans agonize over the pictures and the news reports of those atrocities.

Let there be no doubt about it, our will as Americans to fight for freedom and democracy around the world is under attack by a brutal and ruthless enemy. That enemy would be emboldened by a victory in Iraq. Iraq would become a safe haven for terrorists and extremists from which they can launch their wicked atrocities around the world.

We could accept the offer of Iran's President to step in and fill the vacuum. He has clearly said: If the Americans pull out, we go in. However, this offer comes from a man who has vowed the extermination of the Jewish State of Israel, and he has vowed to expand his nuclear program and clearly puts us in jeopardy of being held hostage.

It is not in the American ethic to turn our back on people who are striving for a better way of life for their children. It is not in our national interest to leave a failed Iraqi State.

The surge is working, largely due to the leadership of one great American—GEN David Petraeus. MoveOn.Org should just once retreat from their attack on America and apologize to that great American hero, GEN David Petraeus.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I see Senator SPECTER on the floor. I ask unanimous consent that after Senator SPECTER is recognized, if Senator GRAHAM is on the floor, he be recognized for debate only on the bill, and then that Senator CHAMBLISS be recognized, if he is on the floor, for debate only, and that then the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair and my friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the amendment to restore the constitutional right of habeas corpus—an amendment that is pending before the Senate and will be voted on tomorrow morning at 10:30 on a motion to invoke cloture.

The issue of the availability of habeas corpus for the detainees at Guantanamo is a matter of enormous importance. It is a matter of a fundamental constitutional right that people should not be held in detention unless there is an evidentiary reason to do so, or at least some showing that the person ought to be in detention. It is a constitutional right that has existed since the Magna Carta in 1215, and it has been upheld in a series of cases in the Supreme Court of the United States.

In the decision of Hamdi v. Rumsfeld, Justice O'Connor, speaking for a plurality, said that they ''all agree that, absent suspension, the writ of habeas corpus remains available to every individual detained within the United States.'' What Justice O'Connor was referring to was the express constitutional provision in Article I, Section 9, Clause 2, that habeas corpus may not be suspended except in time of invasion or rebellion. Obviously, if there cannot be a suspension of the writ of habeas corpus, there is a provision in that clause recognizing the existence of the constitutional right of habeas corpus. You cannot suspend a right that doesn't exist.

As amplified by Justice Stevens, in the case of Rasul v. Bush, the statutory right to habeas corpus applies to those held at the United States Naval Base at Guantanamo Bay, Cuba. Although Guantanamo Bay is not within the territory of the United States, it is under the complete jurisdiction and control of the United States.

In that case, Justice Stevens noted that ''application of the [writ of] habeas corpus to persons detained at the base is consistent with the historical reach of the writ of habeas corpus. At common law, courts exercised habeas jurisdiction over the claims of aliens detained within sovereign territory of the realm, as well as the claims of persons detained in the so-called 'exempt jurisdiction,' where ordinary writs did not run, and all other dominions under the sovereign's control.'' That is obviously a conclusive statement of the Supreme Court that in Guantanamo, under the control of the United States, the writ of habeas corpus would apply in accordance with the historic reach of habeas corpus under the common law. Although Justice Stevens wrote as to statutory habeas, his historic analysis implicates the right to habeas under the common law and the Constitution

Justice Stevens went on to point out:

> Habeas corpus is, however [citing from Williams v. Kaiser] ''a writ antecedent to statute, . . . throwing its root deep into the genius of our common law.''

And continuing, he said that the writ had ''received explicit recognition in the Constitution, which forbids suspension of '[t]he Privilege of the Writ of Habeas Corpus . . . unless when in Cases of Rebellion or Invasion the public Safety may require it.' ''

Obviously, the exceptions—Rebellion or Invasion—do not apply in the Guantanamo situation.

Justice Stevens went on to say:

> [A]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.

Justice Stevens then went on to note this—referring to the opinion of Justice Jackson, concurring in the result in the case of Brown v. Allen:

> The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial.

And he goes on to say:

> Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed, or exiled save by the judgment of his peers or by the law of the land. The judges of England developed the writ of habeas corpus largely to preserve these immunities from executive restraint.

Going on, Justice Stevens pointed out:

> Consistent with the historic purpose of the writ, this Court has recognized the federal court's power to review applications for habeas corpus in a wide variety of cases involving Executive detention, in wartime as well as in times of peace.

In a very curious decision, in Boumediene v. Bush, the Court of Appeals for the District of Columbia ignored the historic common law analysis of the Rasul case in concluding that the Supreme Court's decision was based solely upon the statutory provision for habeas corpus. The Boumediene court reasoned that Rasul could be changed by an act of Congress, the Military Commissions Act, which was passed in 2006. In that case, instead of looking to Rasul, as noted in the New York Times article by Adam Liptak on March 5 of this year, the Boumediene court looked to case law decided before Rasul. Liptak points out:

> Instead of looking to Rasul, which was recent and concerned Guantanamo, the appeals court, reverting to the Court of Appeals for the District of Columbia, justified its decision by citing a 1950 Supreme Court decision, Johnson v. Eisentrager. That case involved German citizens convicted of war crimes in China and held at a prison in Germany. The court ruled that they had no right to habeas corpus.

Liptak points out the inapplicability of the Eisentrager case, stating:

> The Court's reliance on Eisentrager was curious. Both Antonin Scalia, dissenting in Rasul, and John Yu, an architect of the Bush administration's post-9/11 legal strategy, have written that they understood Rasul to have overruled Eisentrager.

The Boumediene decision seemed to ignore the finding in Rasul that the Naval Base at Guantanamo Bay fell within the jurisdiction and control of the United States. If detainees at Guantanamo Bay fall within United States jurisdiction, as Rasul found, the aliens held at Guantanamo have a greater claim to habeas corpus rights. For example, Courts have held that aliens within the United States cannot be denied habeas corpus without violating the Suspension Clause.

Following its discussion of Rasul and Eisentrager, the Boumediene decision relied upon the proceedings in the Combatant Status Review Tribunals which, realistically viewed, are totally insufficient. The procedures of the Combatant Status Review Tribunals were taken up by the U.S. District Court for the District of Columbia in a case captioned: In re Guantanamo Detainees Cases, 355 F.Supp.2d 443 (2005).

Beginning on page 468 of the opinion, the district court noted a proceeding in the Combatant Status Review Tribunal where an individual was accused of associating with al-Qaida personnel. The court noted:

> ''. . . [T]he Recorder of the [Combatant Status Review Tribunal] asserted, 'While living in Bosnia, the Detainee associated with a known Al Qaida operative.' ''

The detainee then said:

> ''Give me his name.''

The Tribunal President said:

> ''I do not know.''

The detainee then said:

> ''How can I respond to this?''

The detainee went on to say:

> ''÷. . . I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if this person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team. But I do not know if this person is Bosnian, Indian or whatever. If you tell me the name, then I can respond and defend myself against this accusation.''

Later in the court's opinion, the detainee is quoted to the following effect:

> ''That is it, but I was hoping you had evidence that you can give me. If I was in your

place—and I apologize in advance for these words—but if a supervisor came to me and showed me accusations like these, I would take these accusations and I would hit him in the face with them.''

And at that, everyone in the tribunal room burst into laughter.

This is illustrative of what goes on in the Combatant Status Review Tribunals. They charge someone with being an associate of al-Qaida, but they cannot even give the person a name.

There was a very informative declaration filed by Stephen Abraham about what goes on in a Combatant Status Review Tribunal.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks this declaration.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Colonel Abraham identified himself as a lieutenant colonel in the U.S. Army Reserves who served as a member of a Combatant Status Review Tribunal and had an opportunity to observe and participate in the CSRT process.

Among other things, Colonel Abraham points out:

On one occasion, I was assigned to a CSRT panel with two other officers. . . .We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating any source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of ''enemy combatant'' but that, upon even limited questioning from the panel, yielded the response from the Recorder, ''We'll have to get back to you.'' The personal representative did not participate in any meaningful way.

On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant.

The details of Colonel Abraham's statement are very much in line with the opinion of the U.S. District Court for the District of Columbia in the matter captioned: In re Guantanamo Detainee Cases. They had charges but presented absolutely no information. Consequently, there can be no contention that Combatant Status Review Tribunals are an adequate and effective alternative approach to Federal court habeas corpus. There must be a type of review which presents a fair opportunity for determination as to whether there was any basis to hold a detainee. For such a purpose, Combatant Status Review Tribunals are totally inadequate.

It is for that reason that I urge my colleagues to legislate in the pending Department of Defense authorization bill to reinstate the statutory right of habeas corpus. It is my judgment that the Supreme Court of the United States will act on the case now pending there to uphold the constitutional right, disagreeing with the decision of the Court of Appeals for the District of Columbia in Boumediene v. Bush.

Initially, the U.S. Supreme Court had denied to take certiorari in the case, and it was curious because Justice Stevens did not vote for cert. where three other Justices had. But then after the declaration by Colonel Abraham was filed on a petition for rehearing, which required five affirmative votes by Supreme Court Justices, the petition for rehearing was granted, and the Supreme Court of the United States now has that case.

I have filed a brief as amicus curiae in the case, urging the Supreme Court to overrule the District of Columbia case and to uphold the decision in Rasul v. Bush, which holds that there is a statutory right to habeas corpus and that is rooted in historic common law that predates the Constitution, tracing its roots to the Magna Carta with John at Runnymede in 1215. But pending any action by the Supreme Court of the United States, which is not by any means certain, notwithstanding my own view that the Supreme Court will reaffirm Rasul and reverse the Court of Appeals for the District of Columbia's ruling in Boumediene, the Congress should now alter the statutory provision in 2006 and make it clear that the statutory right to habeas corpus applies to Guantanamo because of the total inadequacy of the fairness of the procedures under the Combatant Status Review Tribunal.

EXHIBIT 1

DECLARATION OF STEPHEN ABRAHAM

LIEUTENANT COLONEL, UNITED STATES ARMY RESERVE

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 (''Operation Desert Storm'') and twice again following 9–11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah (''McGarrah Dec.''), filed in Bismullah v. Gates, No. 06–1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants (''OARDEC'') and the Combatant Status Review Tribunals (''CSRTs'') rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Department of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense (''DoD'') and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and participate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often ''generic,'' rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals' status.

9. Beyond ''generic'' information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System (''JDIMS''). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served

as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess ''exculpatory information'' relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information relating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to ''infer'' from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What information was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portions of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of ''enemy combatant'' but that, upon even limited questioning from the panel, yielded the response from the Recorder, ''We'll have to get back to you.'' The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of ''Not an Enemy Combatant'' (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was ''what went wrong.''

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise this afternoon in opposition to the Leahy-Specter amendment on the Defense authorization bill. The Leahy-Specter amendment will strike an important change made by the Military Commissions Act of 2006 that strips courts of jurisdiction to hear habeas corpus petitions from alien unlawful enemy combatants detained by the United States.

This amendment would restore jurisdiction to the Federal courts to hear habeas petitions from detainees who are currently pending trial before a military commission. Essentially, this amendment would grant habeas corpus rights to all non-U.S. citizens, regardless of location, who are detained by the United States.

The amendment would have the effect during the current global war on terrorism or during a large-scale protracted war on the scale of World War II of giving any noncitizen detained by U.S. forces, regardless of where they are detained and regardless of the reason for their detention, the right to challenge that detention in the U.S. court system.

I can think of few better ways to ensure that the United States is defeated in any conflict in which we engage and few better ways to undermine the national security of the United States than to adopt this amendment.

In 2004, the Supreme Court's decision in Hamdi v. Rumsfeld held that the President is authorized to detain enemy combatants for the duration of hostilities based on longstanding law-of-war principles. It also held that Congress could authorize the President to detain persons, including U.S. citizens, designated as enemy combatants without trial for a criminal offense so long as the enemy combatant has a process to challenge that designation.

As a result of the Hamdi decision, the Department of Defense created the

Combatant Status Review Tribunal, a process where detainees may challenge their status designations.

Congress passed and the President signed the Detainee Treatment Act on December 30, 2005, which included the Graham-Levin amendment to eliminate the Federal court statutory jurisdiction over habeas corpus claims by aliens detained at Guantanamo Bay.

After a full and open debate, a bipartisan majority of Congress passed the Military Commissions Act just last fall. The MCA amended the Detainee Treatment Act provisions regarding appellate review and habeas corpus jurisdictions by making the provisions of the DTA the exclusive remedy for all aliens detained as enemy combatants anywhere in the world, including those detained at Guantanamo Bay, Cuba. The MCA's restrictions on habeas corpus codified important and constitutional limits on captured enemies' access to our courts.

The District of Columbia Circuit upheld the MCA's habeas restrictions in Boumediene v. Bush earlier this year. The Supreme Court, in a rare move, reconsidered their denial of certiorari and will make a decision on this case in the near future. In the meantime, Congress should not act hastily.

Before the Supreme Court decision in Rasul v. Bush in June 2004, the controlling case law for over 50 years was set out in the Supreme Court case of Johnson v. Eisentrager, a 1950 case which held that aliens in military detention outside the United States were not entitled to judicial review through habeas corpus petitions in Federal courts. The Court recognized that extension of habeas corpus to alien combatants captured abroad ''would hamper the war effort and bring aid and comfort to the enemy,'' and the Constitution requires no such thing.

The Rasul case changed the state of the law for detainees held at Guantanamo Bay, Cuba, due to the unique nature of the long-term U.S. lease of that property. The Supreme Court reasoned that the habeas corpus statute and the exercise of complete jurisdiction and control over the Navy base in Cuba were sufficient to establish the jurisdiction of U.S. Federal courts over habeas petitions brought by detainees.

The Supreme Court ruled that the status of a detainee as an enemy combatant must be determined in a way that provides the fundamentals of due process—namely, notice and opportunity to be heard. The executive branch established Combatant Status Review Tribunals, or CSRTs, to comply with this mandate. Judicial review of CSRT determinations of enemy combatant status by article III courts is provided by the Detainee Treatment Act. Under the DTA, appeals of CSRT decisions may be made to the U.S. Court of Appeals for the DC Circuit.

In his dissent in the Rasul case, Justice Scalia wisely pointed out that at the end of World War II, the United States held approximately 2 million enemy soldiers, many of whom no doubt had some complaint about their capture or conditions of confinement. Today, approximately 25,000 persons are detained by the United States in Iraq, Afghanistan, and at Guantanamo Bay.

Restoring jurisdiction over alien enemy combatants could result in providing the right of habeas corpus to all those detainees held outside the United States so long as their place of detention is under the jurisdiction and control of the U.S. Armed Forces.

In fact, habeas challenges on behalf of detainees held in Afghanistan have already been filed.

The Supreme Court recognized in Johnson v. Eisentrager that allowing habeas petitions from enemy combatants forces the judiciary into direct oversight of the conduct of war in which they will be asked to hear petitions from all around the world, challenging actions and events on the battlefield. This would simply be unworkable as a practical matter and could greatly interfere with the Executive's authority to wage war. As the Supreme Court revisits these issues, Congress should not undue what it has done.

Federal courts have ruled twice—in December 2006 at the district court level on the remand of the Hamdan case from the Supreme Court and again in February 2007 at the DC Circuit Court level in the consolidated cases of Boumediene and Al Odah—that the Military Commissions Act is constitutional and that alien enemy unlawful combatants have no constitutional rights to habeas corpus.

The Supreme Court, at the end of June, decided it would hear these cases on expedited appeal this fall. It is appropriate for Congress to allow the Supreme Court to review the decision made by the DC Circuit Court of Appeals, applying the standards of review enacted in the DTA and the MCA before granting habeas rights to and opening the Federal courts to thousands of detainees held outside the United States.

For these reasons, and simply because it represents extremely bad policy, I urge my colleagues to oppose the Leahy-Specter amendment.

Mr. President, I had also intended to talk a little while today about Senator GRAHAM's amendment seeking to strike section 1023 of the underlying bill. It is my understanding now that there are discussions ongoing relative to the possibility of trying to work that amendment out. So if that amendment does come to the floor for consideration, I will be back to talk about the support of that amendment at that time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. The Senate is now proceeding under a previous order in a period of morning business, with Senators being recognized for up to 10 minutes.

The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair.

DEFENSE AUTHORIZATION AND APPROPRIATIONS

Mr. SESSIONS. Mr. President, I would just say that we have a limited amount of time in this body—and we all know that—before the end of the fiscal year will be coming up on September 30. We have to pass some sort of appropriation to fund our defense and our military by that date. We need to pass the Defense authorization bill, which has been voted out of the Armed Services Committee. Senator LEVIN, our Democratic chairman, has moved that bill forward, and it had strong bipartisan support. It is on the floor today, and it provides quite a number of valuable and critically important benefits for our defense on which we need to vote. For example, it increases the number of persons in the Army, the end-strength of the Army, by 13,000, and 9,000 for the Marine Corps. We have a lot of people talking about the stress on the military, so we need to authorize the growth of the military. It is something we know we need to do, and I think we have a general agreement on that. It is in this bill. We need to move this bill. It authorizes numerous pay bonuses and benefits for our warfighters and their family members. It allows a reservist to draw retirement before age 60 if they volunteer under certain circumstances for active mobilizations. It directs studies on mental health and well-being for soldiers and marines. It establishes a Family Readiness Council. It authorizes funding for the MRAPs, which are those vehicles which are so much more effective against even the most powerful bombs and IED-type attacks.

So this bill, this authorization bill, is not an unimportant matter. Our soldiers are out there now in harm's way, where we sent them, executing the policies we asked them to execute, and we need to support them by doing our job. We complain that Iraq can't pass this bill or that bill; we need to pass our own bill.

Not only do we need to get this authorization bill passed, but we have to get on next week to the appropriations bill to actually fund the military because if we do not do so, the funding stops. Under American law, if Congress does not appropriate funds, nobody can spend funds. It is just that simple.

We have to do our job, and I hope we will. I am troubled to see a lot of things beginning to occur that indicate there is an agenda afoot here, at least by some, that would make it difficult, if not impossible, for us to get this work done.

For example, the first amendment brought up on the Defense bill—not a part of the committee bill but on the floor here—is to provide to enemy terrorists habeas corpus rights they have never been provided by any nation in history during a time of war and certainly not our own Nation. It is frustrating for me to hear people say we want to restore habeas rights to captive enemy combatants. If we did it, we should at least perhaps give priority to lawful enemy combatants. Most of these are unlawful enemy combatants who have not in any way followed the rules of war and therefore are not provided, in normal circumstances, the full protections of the Geneva Convention. So I am worried about that.

The President has said if that amendment passes, he will veto the bill. So what will we have done then? Are people in here going to have a good feeling about that—they made the President veto the bill—that we provide unprecedented rights to captives who are setting about to attack and kill Americans? We are releasing people from Guantanamo and have released quite a number of them. Quite a number of them have been recaptured on the battlefield trying to kill our sons and our daughters who are out there because this Congress sent them out there. So I think we need to get our heads straight.

Now, in addition to that, we have Senator DURBIN offering the DREAM Act amendment, an immigration bill, to this bill.

Senator KENNEDY says he intends to offer hate crimes legislation. These are controversial pieces of legislation, unrelated, really, to the Defense Department. They ought not be passed. They have been rejected before. Certainly the DREAM Act was.

Let me talk about this DREAM Act. It is something Senator DURBIN points out that I have objected to before. I have objected to it before when it came up in the Judiciary Committee, not in the Armed Services Committee.

The Durbin amendment, as filed as of the end of July, would do a number of things. It will, indeed, provide amnesty, the full panoply of rights we give to any citizen who comes here lawfully. It provides a full citizenship track and full rights for quite a number of illegal aliens, putting them on a direct path to citizenship. A conservative estimate done by the Migration Policy Institute suggests that at least 1.3 million will be eligible for amnesty. It will also allow current illegal aliens, those who would be provided amnesty under this bill, and future illegal aliens who come here after this day, illegally—hopefully, I thought we decided when the comprehensive bill was voted down, the American people were saying let's end illegal immigration—it would provide for them to be eligible for in-State tuition at public universities, even when the university denies in-State tuition to U.S. citizens and legally present aliens.

It would reverse 1996 law that quite rationally said let's not reward people who are here illegally by giving them a discounted rate of tuition. How much more simple is it than that?

It would provide Federal financial aid in the form of student loans and work/study programs, subsidized by Federal money. It is unclear, it appears, whether Pell grants, direct Federal grants, are going to be provided to people in our country illegally, with which to go to college, whereas hardworking Americans, many of them, don't qualify for Pell grants—and we need to expand Pell grants. Why would we then be providing them to persons who would come into our country illegally?

They say they may have come when they were younger. Maybe they did. But if you have a limited number of persons to whom you can provide Pell grants or subsidized loans, I suggest they should be given to those who are lawfully here, not those who are unlawfully here.

There is an old slogan: If you are in a hole, the first thing you should do is stop digging. I suggest if you have a problem with people coming into the country illegally, the first thing you should do is stop subsidizing that illegal behavior by giving them discounted tuition.

The DREAM Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, then to legal permanent resident status, and then the next step, of course, is citizenship. First, illegal aliens who came here before age 16 and have been here illegally for the past 5 years will be given ''conditional'' permanent residence, or green cards, if they have been admitted to an institution of higher education or have a GED, or have a high school diploma. The ''conditional'' green card, which is good for 6 years, will be converted to a full green card. A green card means you have a legal permanent residence status in America. In this case it would be a direct result of an illegal entry into the United States, or an illegal overstay. It will be converted to a full green card if the alien completes 2 years of a bachelor's degree or serves 2 years in the uniformed services. This is broader than the term ''military service,'' as people have said. ''Uniformed services,'' as defined by title 10, includes the National Oceanic and Atmospheric Administration Commissioned Corps and the U.S. Public Health Service Commissioned Corps, in addition to the military. Or they would qualify if they can't do those because of hardship.

After 5 years of ''conditional,'' or full green card permanent status, the aliens amnestied under the DREAM Act will be eligible for citizenship.

We are also expanding, through this amendment, if it is to be adopted, immigration into the country based on an illegal action in a number of ways. There is nothing in the DREAM Act that limits the ability of the illegal aliens who are being provided permanent status and citizenship here to bring in their family members. Once an illegal alien becomes a legal resident under the act, they can immigrate their spouses and their children. As soon as the illegal alien becomes a citizen, he or she will be able to bring in, to immigrate their parents to the country as a matter of right. So there is no numerical limit to the number of parents a citizen can immigrate into the United States. I think that is one of the flaws in our current law.

The reason that is important is because we are generous in immigration. We allow a million or more a year to come legally into our country. We do provide quite a number of generous provisions that allow people to come. But if you are allowing those limited number of slots—in effect, we have only so many that the country does allow and would desire to allow to come—we are providing parents of those who have been illegal to be able to come as a guaranteed right, whereas another who may have a master's degree, may have a high skill, may have learned English in Honduras and is valedictorian of their school or college—they can't get in. But they have an automatic right for a parent, who may have done far less in the scheme of things to justify taking one of those limited slots the country has to offer. That is why I am concerned about that.

We don't think about it in correct terms. We have to understand we cannot accept everybody in the world. We should create a generous system of immigration that allows people to come to America, but we ought to set up a legal system that we are proud of and that sets good standards, that allows a person to have the greatest opportunity to be successful here, to have more precedence in entry—which is exactly what Canada does, and Canada is quite proud of it.

In 1996, Congress passed this law:

> Not withstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State . . . for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act eliminates this provision that has been offered on the Defense bill. It would reverse this current Federal law. The result is that States will be able to offer in-State tuition to illegal aliens.

The PRESIDING OFFICER. The Chair advises the Senator from Alabama he has consumed his 10 minutes.

Mr. SESSIONS. I thank the Chair and ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will conclude by saying there are a host of reasons why we need not, ought not pass the DREAM Act itself. But that is a matter of debate that we have had several different times now. What we need to be doing now is providing support for the soldiers, sailors, airmen, marines, and guardsmen we sent in harm's way by passing the Defense authorization bill and the Defense appropriations bill. We don't need to be talking about the DREAM Act. We don't need to be talking about hate crimes. We don't need to be offering the first amendment out of the chute, an amendment that provides habeas benefits to unlawful combatants, legal rights that have never been given by the United States in the history of the Republic, nor any other nation in the history of the world.

We need to get serious and get some work done here that is important and not be distracted with amendments that are going to be politically controversial and can only make it more difficult for us to do our duty as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

FIGHT TO END HATE CRIMES

Mr. CARDIN. Mr. President, only 2 weeks ago this Nation marked the 50th Anniversary of the Civil Rights Act of 1957. That landmark legislation, signed into law on September 9, 1957, was Congress' first civil rights bill since the end of Reconstruction.

It established the Civil Rights Division of the Justice Department and empowered Federal prosecutors to obtain court injunctions against interference with the right to vote. It also established a Federal Commission on Civil Rights with authority to investigate discriminatory conditions and recommend corrective measures.

In the Judiciary Committee, under the leadership of my distinguished colleague, the senior Senator from Vermont, we held a hearing to commemorate this milestone, to talk about our Nation's progress over the past half century and how we must move forward if we are to live up to the ideals enumerated in the Constitution. My former colleague from the House and an American hero, JOHN LEWIS, shared his recollections and his hopes for the future with us.

Today, however, it is with great sadness that I come to the Senate floor to talk about a rash of incidents that have occurred over the past month in this region of the country. These incidents are a painful reminder of just how far we have to go.

At the College Park Campus of the University of Maryland, fewer than 10 miles from here, students found a noose hanging in a tree near the University's African-American Cultural Center. It is believed that the noose had been hanging there for almost 2 weeks before the assistant editor of the school's African-American newspaper noticed it and notified the police.

University President C.D. Mote has denounced the incident, as have student leaders and faculty. It is under investigation as a possible hate crime and may be connected to the trial of six African-American teenagers in Jena, Louisiana. In that case, three nooses were placed in the so called ''white-only'' tree on campus after black students sat under it. The ensuing altercations led to charges of attempted murder against only the black teenagers, charges that have since been dismissed.

In Montgomery County, Maryland, three separate acts of vandalism were reported at Jewish centers in Rockville, Gaithersburg, and Silver Spring.

In two of those cases, vandals defaced banners declaring the synagogues' support for the State of Israel, scrawling anti-Semitic slurs on them. Police are investigating all three acts as possible hate crimes.

Then, in the hills of Big Creek, West Virginia, a 20-year-old African-American woman was held captive in a shed for more than a week. During her ordeal, she was beaten, choked, stabbed, sexually assaulted, and forced to perform inhumane acts. Throughout, she was called racist slurs and was told she was being victimized because of her skin color. She was rescued by police responding to an anonymous tip. A local Sheriff described this as ''something that would have come out of a horror movie.'' Six people, all white, have been arrested in connection with the assault and kidnapping, and police are still searching for two more. The young woman is recovering in a hospital from her ordeal.

In Gaithersburg, Maryland, a Muslim family was again the victim of vandalism. Over the years, the family had been victimized multiple times, beginning in 1994 when they moved to the area. Their house and automobiles were broken into, garbage and dead animals were strewn in their yard, and racist notes were taped to their door.

This time, on September 11, tires on both of the family's vehicles were slashed. The mother has worked hard to counteract anti-Muslim and anti-Arab sentiment in America, speaking at schools and libraries about Islam and Arab-American culture and teaching a cultural sensitivity class. Police are continuing to investigate this incident as a possible hate crime.

In Manassas, Virginia, the Ku Klux Klan recently began distributing leaflets urging ''white Christian America'' to stand up for its rights. The neighborhood has recently begun a demographic shift as older residents moved out and younger Latino families moved in.

Finally, Mr. President, last Friday, it was reported that the Metropolitan Police Department here in Washington is investigating a series of hate crimes targeting gay and transgender people. The latest attack happened seven blocks from here near the Verizon Center, where reportedly a group of young men threw a 16-year-old male-to-female transgender person through a plate glass window. Police reports indicate that the suspect had been arrested twice before for similar attacks against gay men.

The Federal Bureau of Investigation has reported that in 2005 there were approximately 7,100 incidents classified as hate crimes. The FBI uses voluntary reports from local law enforcement agencies across the country to determine the totals, but the actual number could be far higher.

The Southern Poverty Law Center has analyzed data compiled and reported by the federal Bureau of Justice Statistics. That November 2005 report, based on data from the biannual National Crime Victimization Survey (NCVS), found that fewer than half of hate crimes are reported to the police and others are not counted by the FBI. This is because they are not recorded as hate crimes, or because some police departments do not report statistics to their State offices. The NCVS estimates that the United States averages about 191,000 hate crimes each year.

The report also found that hate crimes involve violence far more than other crimes. The data showed that four out of five hate crimes were violent—involving a sexual attack, robbery, assault or murder, as compared to 23 percent of non-hate crimes.

Mr. President, the situation is even more dire than most Americans imagine. The Southern Poverty Law Center's Intelligence Project counted 844 active hate groups in the United States in 2006.

Hate crimes' tentacles reach far beyond the intended targets. They bring a chill to entire neighborhoods and create a sense of fear, vulnerability, and insecurity in our communities. They poison the well of our democracy and strike at the very heart of the American spirit.

Our local law enforcement agencies need help in investigating and prosecuting these crimes, and this help must come from the United States Attorney General and the Department of Justice.

I am a cosponsor of the Mathew Shepard Local Law Enforcement Hate Crimes Prevention Act, S. 1105, to strengthen existing Federal hate crime laws. I want to thank Senator KENNEDY for his leadership on this issue.

While the responsibility for prosecuting hate crimes primarily rests with the individual States, this new measure will give local law enforcement additional tools to combat violent hate crimes. It also will provide Federal support through training and assistance to ensure that hate crimes

are effectively investigated and prosecuted. In addition, it will ensure that Federal investigations and prosecutions are carried out when local authorities request assistance or are unwilling or unable to effectively prosecute cases.

It is important that the Federal Government have the ability to take aggressive action against hate crimes in States where current laws are inadequate. For example, only 31 States and the District of Columbia include sexual orientation-based or disability-based crimes in their hate crimes statutes. This law will help ensure that all hate crimes are fully investigated and prosecuted.

This measure, which has strong bipartisan support, would strengthen existing law in two ways. First, it would eliminate a serious limitation on Federal involvement under existing law—namely, the requirement that a victim of a hate crime was attacked because he or she was engaged in federally-protected activity such as voting or attending school. It also would authorize the Department of Justice to investigate and prosecute hate crimes based on sexual orientation, gender, gender identity, or disability. Current law does not provide authority for involvement in these four categories.

Hate crimes are un-American. They cannot be tolerated. When individuals are targeted and attacked because of who they are, entire communities suffer and we are all diminished by it.

S. 1105 would give us the tools we need to be more effective in combating crimes of hate. The House passed its version of hate crimes legislation on May 3 and now the Senate must do our part. I call on my colleagues to support S. 1105 and I urge its passage without further delay.

MILITARY COMMISSIONS ACT

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first of all, thank you for taking some time and presiding in the chair so I can make this statement.

Last year, I made a very difficult decision. I voted for the Military Commissions Act because I believed it would make our Nation safer and help us fight the war on terrorism. I did not support the bill, however, without reservations.

I said at the time it was not the law I would have written. To the contrary, I supported the bill with the understanding we would go back and fix some of the problems that remained unsolved. Tomorrow, the Senate has an opportunity to fix one of the most glaring of those problems, the failure to provide detainees with the right to habeas corpus.

A right to habeas corpus was a fundamental right in the eyes of our Founding Fathers. It was seen as a mechanism for accountability within our Government, giving prisoners a way to challenge detentions that were unlawful or unconstitutional.

A right to habeas corpus has remained a cornerstone of our criminal justice system since our very beginning as a Nation. It continues to be reaffirmed time and time again by every court in the land. Granting all prisoners the right to petition for habeas corpus is something that makes our Nation special and sets us apart.

Now, I am sure many Americans may wonder: Well, what is habeas corpus? What is the big fuss about this habeas corpus thing? Well, let me try to explain.

Habeas corpus gives a person, a citizen, people, the right to ensure they are being held by the Government lawfully, that they were not the victim of malfeasance or misfeasance on the part of the Government. It is not an easy standard to meet, and it is not taken lightly by the court system.

To make a case for habeas corpus requires a significant amount of proof that a detention of that individual violates the laws of the United States. Let me say that one more time. Proving that you are entitled to relief, proving that you are entitled to a writ of habeas corpus by the court, is not an easy task.

The claim is usually denied. Only those who truly deserve the writ are able to obtain it. I say this to reassure those who may feel that granting detainees the right to habeas corpus, as the amendment would do, would quickly let loose those who would then attack our country and our citizens. That simply will not happen.

What will happen is those detainees who are being held unlawfully, if there are any who are being held unlawfully, who are being denied their basic human rights, will have a chance to make their case in court. They will, for the first time, be able to argue they are being held without any evidence of wrongdoing. They will be able to argue, possibly, they were tortured for a confession that is simply not true.

In short, they will be allowed to hold our great Nation to the standard of fairness, lawfulness, and decency that our Founding Fathers established when they penned the U.S. Constitution.

Some people may not believe detainees are entitled to such a basic right. They argue these people may not be U.S. citizens; that they do not believe the Constitution provides them with any protection or any guarantees.

I disagree. I would ask those people one thing: If the terrorists convince us to throw away the very rights that make us free, the very rights that make our Nation what we uniquely are, does that not mean the terrorists have won?

If we believe in the rule of law, and if we believe in a system of justice, we must give all people detained by our Government the right to challenge that detention. Our Government must play by the rules. It must detain people who are supposed to be detained, and it must be prepared to make that case in a court of law.

The United States can do better than depending on indefinite, unchallengeable detentions to imprison an individual suspected to be a terrorist. We do not need shortcuts to keep our Nation safe.

We can fight the war on terror and respect human rights at the same time. What makes America worthy of fighting for and dying for is the Constitution and the Bill of Rights. It sets us apart from the rest of the world, and we cannot permit its erosion or its undermining. The Constitution and the Bill of Rights need to be preserved.

Therefore, I intend to fully support the Leahy-Specter amendment that will be offered tomorrow to restore habeas rights to detainees. I urge my colleagues to do the same.

I yield the floor.

EULOGY FOR HOWARD GITTIS

Mr. SPECTER. Mr. President, a very close, personal friend and a great American died the day before yesterday, Howard Gittis, a very distinguished Philadelphia lawyer in the great tradition of Andrew Hamilton who defended Peter Zenger. Those of us who are Philadelphia lawyers take great pride in that tradition from Andrew Hamilton and the historic defense of Peter Zenger, and Howard Gittis was in that mold.

I have been a personal friend of Howard Gittis for some 50 years. I was told he went to sleep on Sunday night and didn't awaken, died in his sleep apparently of a heart attack.

Howard Gittis was a partner in the very prestigious firm of Wolf, Block, Schorr & Solis-Cohen for some 23 years. He then joined a noted entrepreneur, Ronald Perelman of New York, and was the executive vice president of McAndrews & Forbes in New York City.

Howard was noted for his charitable contributions both as an alumnus of the University of Pennsylvania Law School, where he contributed substantially to Penn's law school which named Gittis Hall and the Gittis Center for Clinical Legal Studies at Penn in honor of Howard Gittis's contribution to the law school and his charitable support of the university.

Not only did he support the University of Pennsylvania, but he also served on the board of Temple University for 31 years, including 5 as chairman of the board, and the Temple Student Center is named for him.

Always affable, always cheerful, always ready to lend assistance to friends or even to those who were not close friends. He left an indelible mark in the Philadelphia legal community and in the New York business community.

His funeral services occurred earlier today in New York and burial occurred this afternoon in Philadelphia.

I think it appropriate to pay tribute to an outstanding American who did so much for the legal profession and so much for charitable contributions with both the University of Pennsylvania and Temple University.

TRIBUTE TO AUGIE HIEBERT

Mr. STEVENS. Mr. President, I have come to the Senate floor today to honor one of Alaska's most admired pioneers and a dear friend of mine and my whole family.

Alaskans will remember Augie Hiebert for his many achievements in the field of broadcasting and for opening the doors to modern communications for all Alaskans. In a State with few roads, where hundreds of miles of wilderness often separate towns and villages, Alaskans rely upon airwaves to connect them with people and events across our State, across the country, and around the globe. Augie was one of the first to bring the benefits of broadcast technology to our last frontier.

At an early age, Augie developed a fascination for electronics and radio which would lead him to a career in broadcasting. While growing up on an orchard in Washington State during the Great Depression, Augie built his own first radio. He earned his ham radio license at the age of 15. He was just 22 years old when he came to Fairbanks in 1939 to help a friend build KFAR Radio.

On the morning of December 7, 1941, Augie was listening to ham radio broadcasts at KFAR's transmitter when he heard of the attack on Pearl Harbor. He was one of the first in Alaska to hear the shocking news and immediately alerted the commander of Ladd Field right there in Fairbanks.

Having witnessed firsthand the impact broadcasting had on the lives of those who were living in Alaskan territory, Augie set out to bring the technology of television to what we call our great land. In 1953, Augie built Alaska's first television station, KTVA, bringing news, weather, sports, and entertainment to the people of Anchorage. Two years later, he broadcast the first television shows to Fairbanks when he built KTVF. Augie's TV stations brought history's defining events from around the globe into Alaska's living rooms. In 1969, Augie gave us the first live satellite broadcasts, and Alaskans from Fairbanks to Anchorage watched Neil Armstrong walk on the moon.

As Alaska's broadcast industry grew, so did Augie's family. He and his wife Pat raised four daughters.

During his long career in broadcasting, Augie served Alaska in many ways. He was the founder and president of the Alaska Broadcasters Association. When I was practicing law, I helped him form that association. Every year, Augie brought a group of Alaskan broadcasters to Washington for Alaska Day at the Federal Communications Commission, where he gave them a rare opportunity to speak on a one-to-one basis with commissioners about the unique challenges facing broadcasters in Alaska. But Augie's efforts to educate the FCC about Alaskan broadcasting didn't end there. He invited them, and the entire FCC at one time traveled to Alaska at his request.

In the early 1980s, Augie led the fight to preserve AM broadcast coverage in Alaska, which resulted in the creation of the class of the 1–N FCC category, a category just for our State of Alaska. Over the years, Augie introduced countless Alaskans to broadcasting and gave many their start in the industry. Though he officially retired in 1997, Augie remained committed to the future of broadcasting in Alaska, and until the day of his death, he was talking to me about the problem of white spaces in the current debate over new digital broadcasting.

He became a mentor to the students at Mirror Lake Middle School in Chugiak, AK, where he shared his enthusiasm for broadcasting and he helped students produce news programs for the school's closed-circuit television system, and they did that every morning before school started. He showed them how to prepare a morning show for their school. Augie brought leading professionals in the field of broadcasting to Mirror Lake to share their experiences and knowledge with these students. Today, the school operates a low-powered FM radio station which Augie helped build and license. It is the only class D low-powered radio license in the country issued to a school.

Rather than all of the firsts he achieved during his long career, Alaskans will remember Augie most as the man who made the Nation's largest State a little bit smaller. His efforts brought us closer to one another and closer to the rest of the world. Our thoughts and prayers are with Augie's daughters, their families, and all who loved him.

This man was a great American, a great Alaskan, and my great friend.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

Mr. DOMENICI. Mr. President, today I would like to pay tribute to the U.S. Air Force as it commemorates its 60th anniversary, known as ''Heritage to Horizons . . . Commemorating 60 Years of Air and Space Power.'' New Mexico has maintained a long and close relationship with the U.S. Air Force, and I am proud to congratulate the Air Force on its 60th anniversary.

New Mexico is home to Cannon, Holloman, and Kirtland Air Force Bases as well as the former Walker Air Force Base. We in New Mexico are honored and proud that so many Air Force officers and airmen, whose professionalism and dedication are unsurpassed, have called New Mexico home.

The fact that the Air Force is celebrating Air and Space Power is not lost on New Mexico, where work is done in both areas. Holloman will be a premier site of air power when the 49th Tactical Fighter Wing becomes home to the F–22A Raptor, the most advanced fighter in the world. Cannon is also undergoing changes and growth in the air power arena, as Air Force Special Operations Command stands up a new wing at Cannon on October 1. Kirtland continues to grow as home to much space work, including the Air Force Research Laboratory's Space Vehicle Directorate and the Operationally Responsive Space Office.

For the last 60 years, America has been protected by the greatest Air Force in the world. I salute the men and women of the Air Force and hope that on the Air Force's 60th anniversary, New Mexicans will take time to thank the officers and airmen who have served and honor the memory of those who have given their lives in our defense.

Mr. CRAPO. Mr. President, GEN H.H. ''Hap'' Arnold, USAF, once said, ''A modern, autonomous, and thoroughly trained Air Force in being at all times will not alone be sufficient, but without it there can be no national security.'' It is in the name of our national security that today I recognize the U.S. Air Force's 60th anniversary.

One hundred years ago, Henry H. ''Hap'' Arnold graduated from the U.S. Military Academy. That same year, in August 1907, the U.S. Army Signal Corps established an aeronautical division to oversee ''military ballooning, air machines and all kindred subjects.'' Arnold went on to become the Chief of the Army Air Corps, and, upon the creation of the U.S. Air Force as a separate branch of the military in 1947, a year after General Arnold's retirement, Congress appointed him to the rank of five star general—the first and only in the history of the Air Force.

The U.S. Air Force was created by Congress to ''be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations.'' ''[It] shall be responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.'' Today, on the anniversary of the National Security Act of 1947, we celebrate 60 years of an independent Air Force. This independence was necessary and critical and remains so in order that, in the recent words of MG Charles J. Dunlap, Jr., the United States has ''one service that focuses on maximizing options for decision-makers by optimizing airpower.''

The U.S. Air Force, comprised of close to 700,000 Active Duty, civilian, Air National Guard, and Air Force reservists, plays a vital and instrumental role in the ongoing fight against terrorism and other emerging threats on

multiple fronts, from flying combat missions and conducting manned and unmanned surveillance to logistical ground support. Thirty-five thousand Air Force personnel are currently deployed to 120 duty stations worldwide, keeping freedom alive and the forces of tyranny at bay. Whether it is monitoring satellites in orbit or the space shuttle, delivering precision-guided munitions to air and ground targets or patrolling the far reaches of cyberspace, the USAF maintains strategic and operational dominance in theater and around the globe. Fighters, bombers, missiles, and unmanned aircraft are the unparalleled tools of today's airmen, tools they use with unmatched skill and lethal precision in defense of our freedom and liberties.

On a daily basis for over 4 years now, dozens of close air support missions—troop support, infrastructure protection, reconstruction activities and operations to deter and disrupt terrorist activities—are conducted by coalition forces in Iraq. The U.S. Air Force is responsible for the majority of these.

Sixty years of Air Force excellence and superiority has been possible only because of those who have voluntarily dedicated their lives to the success of U.S. air power. With the esteemed heritage of ''Hap'' Arnold and other distinguished and outstanding leaders in their hearts, the men and women of the USAF and their families serve our Nation with distinction, integrity, and patriotism. They approach their mission in the same spirit with which they swore their oath of allegiance: with a grave sense of duty, honor and bravery.

Idaho has been home to Mountain Home Air Force Base for over 60 years now. Over the past half century, Mountain Home AFB has hosted many diverse missions of the Air Force including special and covert operations, combat and reconnaissance operations, ballistic missile defense, electronic combat, and fighter operations. It is one of the largest employers in the State of Idaho.

The Gunfighters, as Mountain Home AFB personnel are known, deploy to fight terror in an integrated fashion, from the maintenance and piloting of F–15 Eagles, F–15E Strike Eagles, and F–16 Fighting Falcons to complementary support missions such as intelligence and communications. In the air campaign against the Taliban in Afghanistan, the Gunfighters flew almost 1,000 individual sorties.

In addition to executing its military mission, the Air Force recognizes its environmental responsibility to the communities in which it operates and has worked diligently over the years to be a good steward of Federal land in southern Idaho. I have worked with leadership at the base on many land management issues during my service in Congress. Further, the Air Force continues to respect Native-American cultural sensitivities and practices and works hard to do its part in maintaining a respectful relationship for the betterment of Shoshone-Paiute tribal interests as well as maintaining state of the art training for our airmen.

As a Nation, we are blessed to have such an outstanding, committed, and respectable military. The Air Force works intricately and effectively with the other military branches to skillfully execute the war on terror, specifically, but not limited to, military operations in Iraq and Afghanistan. Always innovative, the Air Force continues to look ahead, establishing itself as the dominant space defense force empowered and capable of facing new strategic global realities in an ever-changing global threat environment, ensuring its ability to respond to threats immediately and wherever they arise. Americans can be incredibly proud of and thankful for the sacrifice of their Air Force women and men worldwide. In the words of another famous former Chief of the Air Force, GEN Curtis LeMay, ''If we maintain our faith in God, love of freedom, and superior global air power, the future looks good.''

NEPAL'S FUTURE

Mr. LEAHY. Mr. President, there are times in virtually every country's history when years of underdevelopment and conflict give rise to opportunities to change course. Such times are rare, and such opportunities are too often missed.

I think of our Civil War, which caused so much loss of life and devastation. It preserved the Union, and it led to the emancipation of some 3 million African slaves. Nothing can diminish those achievements or the sacrifice of those who gave their lives. But instead of providing the former slaves with the equal rights to which they were entitled, until passage of the Civil Rights Act a century later African Americans suffered from racially discriminatory laws that kept them in an inferior status. The country remained bitterly divided because of it.

Nepal today faces its own historic choice.

For more than a decade, Nepal has been plagued by an internal armed conflict in which savage brutality was inflicted on impoverished civilians by Maoist insurgents and the Royal Nepal Army. Over 13,000 people died, mostly noncombatants, and virtually no one has been held accountable for those crimes.

For more than two centuries, Nepal has been a monarchy whose Kings, with rare exception, denied the rights and ignored the needs of their people who remain among the world's poorest. In February 2005, King Gyanendra, a narcissistic, arrogant autocrat, seized absolute power, jailed his opponents, and muzzled the press, only to relent in April 2006 in the face of mounting international pressure and the protests of thousands of courageous Nepali citizens.

Nepal's previous experiment with multiparty democracy during the 1990s had been disappointing. The leaders of the country's political parties distinguished themselves by amassing personal fortunes and doing little for the people.

But since the restoration of civilian government in April last year there has been impressive progress. A Comprehensive Peace Agreement was signed, Maoist combatants have gone into cantonments, the army has been confined to barracks, and the Maoists, until today, were part of the interim Government. The King has been stripped of all political power, although the ultimate fate of the monarchy has yet to be decided. The word ''royal'' has been eliminated from Government institutions, including the army. Elections for a Constituent Assembly to be held in June were postponed, but they have been rescheduled for November 22. The assembly is to draft a new constitution.

Also during this period, Nepal's ethnic minorities, women, and other groups who have long been persecuted and denied a voice have demanded equal rights and representation. This poses both challenges and opportunities for the Government.

The international community, including the United States, has supported the peace process directly and through our financial contributions to the United Nations which has performed key monitoring functions. Recently, the United States provided $3 million to purchase the ballots for the elections.

Much has transpired since April 2006, when I last spoke in this Chamber about political developments in Nepal. Today, just 65 days before Nepal's elections, I would like to address my brief remarks to the people of Nepal and to Nepal's political parties, including the Maoists.

On November 22, the people of Nepal will be presented with one of two options: They will either have a historic opportunity to create a legitimate, representative government which can only be achieved through a popular vote or they will be denied that opportunity. If the elections are held, Nepal will continue on a path that can bring its governmental institutions and its society into the modern age and begin to finally address the poverty and injustices that gave rise to the conflict. If they are denied, the Nepali people will likely see their country become more fragmented and ungovernable and more vulnerable to external influences over which they have little control.

Recent developments have been both encouraging and troubling. Perhaps that is to be expected in a country of multiple ethnic groups speaking some 93 languages that is struggling to transform itself.

The bombings in Kathmandu 3 weeks ago, other violent acts perpetrated by newly formed armed groups in the Terai and members of the Maoist young wing, the Young Communist League, and the Maoists decision to

withdraw from the Government illustrate the fragility of the process.

Moreover, the leaders of the Congress parties and the Maoists have done little to prepare for the elections. At times, party members have seemed more interested in furthering their own personal ambitions and in derailing the electoral process altogether. The leading party of the left, the UML, has done more to prepare. But all parties will need to promptly step up their election activities if voters are to have the informed choice they deserve.

On the positive side, the Election Commission deserves credit for a voter registration process that has reached Nepal's remotest villages. There is no doubt that the people are eager to go to the polls, just as they were determined to put an end to the King's abuse of power.

Over the past 3 years, I have observed the fortitude of the Nepali people's desire for peace, for justice, and for a meaningful voice in government. Their desire is shared and admired by the American people.

To the Maoists, I would say that it was you who called for a Constituent Assembly. Saying you are committed to the democratic process at the same time that you withdraw from the Government, make new demands that contradict previous commitments, support disruptive economic strikes, and threaten to return to confrontation is not the way to earn the people's trust and support that are necessary to become an effective force for change. Nor is it the way to earn the trust of the United States.

I have campaigned for elective office five times over more than 30 years, and I know something about earning the people's trust and support. It does not come from dogmatic speeches or lofty party platforms or manifestos. It does not come from saying one thing and then doing the opposite. It certainly does not come through the use of violence, threats, and extortion. It comes by showing that you deserve the people's trust and support. There is no better way to begin that process than to seize this opportunity and show the people that you can make the government work for them.

History is replete with examples of armed groups that achieved popular legitimacy through the democratic process. If the Maoists win seats through free and fair elections, uphold the commitments they have made in the Comprehensive Peace Agreement and other agreements, and devote themselves to working for change peacefully, I am confident the United States will treat them as rightful members of the elected Constituent Assembly or of the Government. We may disagree with their positions on some issues but not about their right to serve in Government and to advocate for those positions.

I know the Maoists are looking to the United States to lift our restrictions on their party and its leaders and to remove them from our list of terrorist organizations. In order for that to happen, the Maoists need to take unequivocal, positive steps. The cases of the murdered Nepali security guards need to be satisfactorily resolved. The party's resumption of land seizures and the reopening of so-called people's courts are steps in the wrong direction.

To the other political parties in Government, I would say that it is time to make good on your commitments. Not only the Maoists but traditionally marginalized groups as well are increasingly skeptical that the Government is serious about delivering on its key commitments to the peace process, whether downsizing and reforming the army, supporting land reform, or creating jobs and opportunities for minority groups that have long been disadvantaged and ignored. While those groups should pursue their grievances through a vigorous election campaign, not through obstruction of the democratic process, the failure of the parties to govern and match rhetoric with action threatens the elections, as does the Maoists' saber rattling.

The leaders of Nepal's political parties know that the power of holding office comes with responsibilities, and the spotlight is on them. Lasting legitimacy comes not only through the ballot box but in the day-to-day ability to honor commitments and improve the lives of all citizens. This is their chance to put the Nepali people and their country first, by showing that they believe in effective, accountable government. If they do not, the United States, and I suspect many other countries, will no longer afford them the legitimacy they will need for our continued support.

Mr. President, Nepal's path to the future may be decided in the waning months of this year. Although a small country wedged between two emerging giants, Nepal is unique in more ways, more beautiful ways, than most other countries its size. Today, the United States—Congress and the Executive—are united in our desire to help Nepal become a democracy whose Government is representative of Nepal's remarkably diverse population and where the fundamental rights of all people are respected.

REPRESENTATIVE PIGNATELLI TAKES ON KATRINA

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend my friend and colleague in Massachusetts, State representative William Pignatelli, who represents the fourth Berkshire district. In addition to his tireless dedication to the people of western Massachusetts, Smitty, as we all call him, has also shown his extraordinary commitment to public service by going far above and beyond the call of duty to help people in New Orleans devastated by Hurricane Katrina.

During a trip to New Orleans last December, Smitty met Stanley Stewart and his family of 12, who had just moved into a FEMA trailer after 16 horrific months of suffering. The family had been rescued from the second-floor balcony of their home in the city after spending 2 days without food, water, and plumbing.

Distressed by the plight of Stanley and his family, Smitty decided to help them rebuild their home and has already made a number of trips to New Orleans to do what he can. Now he has decided to spend his fall vacation in New Orleans to finish the job. On September 30, he will be taking a group of volunteer builders from the Berkshires to New Orleans to do so. With these generous acts of kindness, Smitty has shown us extraordinary dedication to those less fortunate.

As my brother Robert F. Kennedy said, ''Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest of oppression and resistance.''

I commend Smitty for the remarkable ripple of hope he is sending forth. A recent article in the Berkshire Eagle describes this amazing chapter in Smitty's life. I believe the article will be of interest to all my colleagues in the Senate, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Berkshire Eagle, Sept. 3, 2007]

PIGNATELLI WILL TAKE ON KATRINA AGAIN

(By Derek Gentile)

LENOX.—State Rep. William ''Smitty'' Pignatelli admitted yesterday that he understands that he cannot repair all the problems that beset many of the folks in New Orleans affected by Hurricane Katrina.

But he and a group of contractor friends and constituents are going to try to fix a very small corner of that world.

Pignatelli and a small army of local builders will be heading down to New Orleans on Sept. 30 to repair and rebuild the home of New Orleans native Stanley Stewart, whose house was one of the tens of thousands of homes devastated by the 2005 hurricane.

''This is going to be the Berkshire County version of (the television show) 'Extreme Home Makeover,''' Pignatelli said.

This will be Pignatelli's fourth trip to New Orleans. He said he has been appalled by the damage he has seen.

''When you go down there, and see the damage that is still in evidence, you feel ashamed of the government responsible for this,'' he said.

But he is also heartened constantly by the way people from other parts of the country have come to try to help the survivors.

Pignatelli met Stewart, who lives in the lower ninth ward of New Orleans, last December, while on one of his first trips to the beleaguered city. Eventually, he learned that Stewart and his family lost their home in the hurricane and were living in a FEMA trailer ''maybe a little bit bigger than my SUV,'' Pignatelli said.

Resolving to help the family, he has made several trips to New Orleans since with other

builders, basically gutting the two-story home and preparing it for renovation. A few months ago, they put a roof on the house.

Now, he said, the volunteer force he assembled is ready to rebuild the rest of the structure.

''We're going to try to do it in seven days,'' he said.

The companies that are sending workers are Pignatelli Electric (run by brother Scott) and Don Fitzgerald Carpentry of Lenox; Comalli Electric, Cardillo Plumbing electrician Jim Sorrentino and Fabino Drywall of Pittsfield; Doug Trombley Windows and Moran Mechanical of Lee; and carpenter Dan Sartori of West Stockbridge.

In addition, Granite City Electric of Pittsfield donated much of the electrical equipment, Scott's Carpet One of Pittsfield donated the kitchen cabinets and bathroom vanities, and Pam Sandler Architects of Stockbridge donated the blueprint.

All are volunteers, Pignatelli said.

Pignatelli himself sent a letter to many of his supporters asking that, instead of giving to his annual Aug. 31 fundraiser, they donate to the project. To date, he has raised $25,000 for materials, lodging and transportation for the volunteer crew, he said.

''It's not often a politician puts aside political ambition like this,'' said one of his supporters, Rachel Fletcher of Great Barrington. ''It's commendable.''

Don Fitzgerald was one of the carpenters who went down the last time to help with the roof.

''I was on top of the roof, looking around at all the other houses in the neighborhood, and I thought, 'Man, these guys got whacked,' '' he said.

He said he met Stewart, ''and I want to help the guy. He's a good son of a gun.''

As to whether or not the crew can finish the house in one week, Fitzgerald was confident.

''In a week? We're gonna kick the hell out of it,'' he said.

INCAN ARTIFACTS AGREEMENT

Mr. DODD. Mr. President, I rise today to commend Yale University and the Government of Peru on their agreement to settle a 6-year-long dispute over Incan artifacts.

Nearly 100 years ago, Yale history professor Hiram Bingham made a historic archeological discovery near the famed Incan city of Machu Picchu. His find, which included over 300 artifacts, featuring rare examples of jewelry and ceramic pottery, helped bring worldwide attention to the rich culture of the Incan peoples. For the past 95 years, these artifacts, which were claimed by the Peruvian Government, have been in the possession of Yale University.

The landmark agreement, reached on September 14, 2007, between Yale University and the Government of Peru, which includes the creation of a traveling international exhibition featuring these priceless historical artifacts, is a symbol of both parties' dedication to international cooperation and scholarship. I applaud Yale University and the Peruvian Government for finding a compromise that will allow scholars, students, and interested people from across the globe and from all walks of life to enjoy these splendid cultural artifacts for generations to come.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MARTIN D. ABELOFF

• Mr. CARDIN. Mr. President, I wish to commemorate the life of Dr. Martin Abeloff, a leader in Maryland's health care community who passed away last Thursday, September 14, 2007. Our State and our Nation have lost a phenomenally gifted doctor who was also a pioneer in the fight against cancer. Tragically, his life was taken by the disease he dedicated his career to fighting.

Dr. Martin Abeloff was an internationally recognized oncologist who for 15 years led the Johns Hopkins Kimmel Cancer Center, one of America's premier cancer research and treatment centers.

During his tenure as cancer center director, Dr. Abeloff doubled the size of the center's facility, helped increase research funding sixfold, and expanded facilities to nearly 1 million square feet of treatment and research space. Under his leadership, some of the most salient findings in cancer genetics and cancer cell biology were realized and have begun to be translated into patient care.

Foremost a humanitarian, Dr. Abeloff was an activist who worked diligently to get clinical trials legislation passed in Maryland to ensure that cancer patients have access to state-of-the-art therapies. A staunch advocate for tobacco control, he led the Maryland Cigarette Restitution Fund initiatives at Johns Hopkins supporting research and cancer prevention outreach to benefit poor and underserved communities burdened by disproportionately high cancer death rates.

A trusted authority and adviser, Abeloff had served as president of the American Society of Clinical Oncology, ASCO, chairman of the FDA Oncology Drug Advisory Committee, and he had been a member of the National Cancer Institute Executive Committee.

He is remembered by his colleagues and friends across the globe for his characteristic humility, wry sense of humor, extraordinary devotion to his patients and students, and the collaborative spirit he nurtured in his long tenure at Johns Hopkins, where he spent most of his career.

Dr. Edward Miller, the CEO of Johns Hopkins Medicine, described Abeloff as an ''iconic Hopkins physician, scientist, educator, leader, and good citizen rolled into one.''

I wish to express my condolences to Dr. Abeloff's family and to the Johns Hopkins community, which will also miss him greatly. I ask my colleagues to join me in remembering him today.•

THE 50TH ANNIVERSARY OF EASTERN NEW MEXICO UNIVERSITY-ROSWELL

• Mr. DOMENICI. Mr. President, I wish to recognize Eastern New Mexico University-Roswell for reaching its gold anniversary of 50 years. When the branch was established 50 years ago, founders probably only dreamed it would still be thriving well into the 21st century.

ENMU–R started out as Roswell Community College, only offering night classes 50 years ago. Through the last half century, they have continued to grow and expand into an established branch of Eastern New Mexico University. Most recently, they have opened an expansive housing complex with dormitory rooms as well as apartments for students. The university branch is adding program offerings every year. To date, they offer 70 different certificate and associate degrees. ENMU–R continues to be a great place to learn and experience the college life.

To celebrate the anniversary, the university has planned several events throughout the fall. Events include free concerts, parades, festivals, and even a golf tournament, with the kick off event being a hot air balloon rally held in late August.

I join with ENMU–R in celebrating this momentous milestone. I look forward to at least 50 more years of providing quality education to thousands of students.•

• Mr. CHAMBLISS. Mr. President, I wish to encourage my colleagues to join Senator ISAKSON and me in support of the 2007 Senior League World Series Champions, the Senior League team of Cartersville, GA.

On August 18, 2007, the Senior League team from Cartersville, GA, defeated the defending World Series champions of Falcon, Venezuela, by a score of 9 to 0 after Chris Huth pitched a complete game one-hitter. This victory concluded their impressive season with a record of 30 wins and only 2 losses.

I would like to recognize the 14 young men of the Cartersville Senior League team individually for their great accomplishment: Garison Boston, Ben Bridges, Trey Dickson, Brad Green, Taylor Greene, Tyler Higgins, Chris Huth, Tyler Linn, Levi Mauldin, Colton Montgomery, Cole Payne, Zack Philliber, Hank Stewart, and Tyler Williams. Their manager Eric Stewart and coaches Jeff Payne and Mark Montgomery each deserve strong recognition for guiding these young players to victory.

Moreover, I would be remiss if I did not recognize the teachers and students of these young men's schools, the fans who represented their community, and the State of Georgia for their enthusiasm and support.

It is with great pride that I extend my heartfelt congratulations to the Cartersville Senior League team and their families. I am extremely proud of each of them and their accomplishments. I wish them great success in the future and urge my colleagues to join Senator ISAKSON and me in congratulating them on this great accomplishment.•

LOSS OF RAUL HILBERG

• Mr. SANDERS. Mr. President, the State of Vermont has lost one of its greatest scholars, Raul Hilberg. I wish to honor this remarkable man, the central figure in the founding and establishment of Holocaust studies, not just in the United States, but in the world. It is fitting that he was also a central contributor to the establishment and development of the U.S. Holocaust Museum.

So horrific were the events of the Holocaust that for many years scholars avoided the subject. Not Raul Hilberg. Born in Vienna, Austria, he and his family fled the Anschluss of Hitler and the Nazis to emigrate, first to Cuba, and ultimately to the United States. While in Cuba, he saw the fate of the S.S. St. Louis, a ship full of Jews who had fled Germany seeking asylum. The ship was denied permission to land in Havana, and only after a long voyage from port to port were its 936 Jewish passengers finally allowed to disembark in several European countries.

In the United States, Hilberg served in the Infantry of the U.S. Army. Upon his return to this country he did graduate work at Columbia University, where he received a Ph.D. under the tutelage of Franz Neumann. His doctoral thesis was on the Holocaust: he took careful and copious notes on Nazi documents seized by the U.S. Army, transcribing the information he uncovered on index cards. Then he sat at a small table in his parents' apartment and wrote his thesis on the basis of those cards. That thesis was the kernel of the greatest scholarly work ever written on the Holocaust.

In 1956, Raul Hilberg became an assistant professor of political science at the University of Vermont. He later became professor and chairman of that department. He remained at U.V.M. for the rest of his career until his retirement in 1991, despite many enticements to go to major research universities, sustained in his academic life by his friends Jay Gould, Stan Staron, and Sam Bogorad. He was a great teacher. One of his colleagues remembers attending his course on the Holocaust: ''His words came out in perfectly structured paragraphs, eloquent with a quiet gravity, so compelling that every student in the class was transfixed from the moment Raul began speaking until the bell rang for the end of class.''

In 1961, Raul Hilberg's magisterial ''The Destruction of the European Jews'' was published, but only after rejections from many publishers. Even Yad Vashem rejected the manuscript because some scholars disagreed with Hilberg's perspective. Thereafter revised and updated in succeeding editions, the book was then, and has remained, the most important, the most seminal, work on the Holocaust. It, more than any other scholarly work, was responsible for the creation of what we know today as the field of Holocaust Studies.

The great documentary filmmaker, Claude Lanzmann, spoke recently of his discovery of Hilberg's book, which occurred as he was considering making the film that was to become ''Shoah.'' ''It took me months to get through this formidable, magnificent, monstrous book. Hilberg was a man of details, and that is what I especially liked. The first time he appears in ''Shoah'' he says, 'All along, during my work, I never began with the big questions because I feared inadequate answers.''' Lanzmann continues, ''He laid bare the implacable mechanism of what he held to be a bureaucratic process of destruction. From the moment the German bureaucracy made its object, it could only go all the way, as through carried by its own logic.''

Hilberg published other important books, among them ''Perpetrators, Victims, Bystanders'' and a memoir, ''The Politics of Memory.'' He edited ''The Warsaw Diaries of Adam Czerniakov,'' which was translated by his colleague, Stanislaw Staron.

But he was not just a scholar in an archive. As one of the Senate's representatives on the U.S. Holocaust Memorial Council, I am very aware of his work in the public sphere, work which richly supplemented his great contributions as an academic scholar. An original member of the President's Commission on the Holocaust, Raul Hilberg, played a central role in the founding of the U.S. Holocaust Museum. He then served on the U.S. Holocaust Memorial Council from 1980 through 1988, and further served on the Museum's Academic Committee from its inception through 2005.

His friend, Michael Berenbaum recently wrote this about his involvement with our Nation's great memorial to the ''Shoah'': ''For his work with the U.S. Holocaust Memorial Museum, Hilberg never once accepted remuneration, even when others were paid for their work. He was a consistent, gracious and insisting presence demanding the highest of standards of others and measuring up to them himself.'' In his honor, the museum has established the Raul Hilberg Scholarship.

For his great scholarly and public accomplishments, Raul Hilberg was named a Fellow of the American Academy of Arts and Sciences in 2005.

An enthralling and inspiring teacher, Raul Hilberg will be missed by many generations of students at the University of Vermont. The absence of his deep knowledge and unsparing honesty leaves the world of Holocaust studies bereft of its presiding genius. And his passing leaves a great loss in the lives of his wife, Gwendolyn and his children, David and Deborah.

Raul Hilberg's work, however, which so carefully details the bureaucracy of annihilation, will live on to serve as a constant reminder of the responsibilities that we have, as citizens and as individuals, for the sufferings of others.•

COMMEMORATING THE RETIREMENT OF HANCEL PORTERFIELD

• Mr. AKAKA. Mr. President, today I wish to congratulate Mr. Hancel Porterfield on his retirement from Federal service on September 30, 2007, as the Corrosion Prevention and Control Program Manager for the Marine Corps. Hank, as he is known, along with a handful of staff, has been instrumental in giving new direction and cohesion to the Marine Corps' efforts to combat corrosion. Since being hired as the first Program Manager for USMC CPAC, Mr. Porterfield has been instrumental in completely changing the direction of CPAC from a study program administered by the Naval Surface Warfare Command, NSWC, to a program serving the warfighter at the Marine Expeditionary Force, MEF, level.

Not only has Mr. Porterfield created a full service program with a workforce of 95 people from Camp Lejeune to Okinawa in just 3½ years, Mr. Porterfield also established a research and development arm to examine new products, procedures, and methods for reducing corrosion. Recently, I had occasion to participate in a ribbon-cutting ceremony for a U.S. Marines Corps corrosion prevention and control complex in Kaneohe Bay, HI, and had the privilege of meeting Mr. Porterfield in person. I was impressed by his dedication to duty and his service and leadership in launching the USMC CPAC Program.

I would like to express my deepest appreciation and warmest aloha to Mr. Porterfield. In government we all hope one person can make a difference. I think Mr. Porterfield is one person who has made a difference and leaves behind a legacy of success. Best wishes Hank for a long and enjoyable retirement.•

TRIBUTE TO COBB COUNTY, GEORGIA PUBLIC SAFETY PERSONNEL

• Mr. ISAKSON. Mr. President, on October 1, 2007, the Cobb Chamber of Commerce will hold its Public Safety Recognition Awards breakfast, and I wish to express my heartfelt gratitude and appreciation for all public safety personnel in my home county of Cobb.

Our public safety officers and personnel make the difference in ensuring that we are able to go about our daily routines, get a good night's sleep, and enjoy the many freedoms we have in our country today because we don't have to constantly fear for our well-being. For this, I believe I am representing not only my Cobb County constituents, but all Georgians when I say thank you to all of our public safety personnel.

Whether they are the dispatcher answering the telephone, an officer on the street, an undercover agent living in dirty and dangerous conditions to obtain needed information or an assistant at a desk, they all work as a team to keep me safe, my family safe, and Cobb County safe.

In addition to the daily requirements of basic safety, they go above and beyond by helping to educate our citizens and young people through special programs in schools, such as Partners in Education, and throughout the community to help fight crime and keep folks off drugs.

As we recently observed the sixth anniversary of the September 11 attacks on our Nation, we are reminded of the great lengths our public safety personnel and first responders go to in order to keep us safe. Cobb County's public safety personnel—our police, firefighters and emergency medical professionals—have answered the extraordinary call to serve their county and risk their lives to keep our community safe. They are America's first line of defense, and they are our true American heroes.●

CONGRATULATING THE CARTERSVILLE SENIOR LEAGUE TEAM

● Mr. ISAKSON. Mr. President, I wish to honor in the RECORD the Senior League team of Cartersville, GA, on their victory in the 2007 Senior League World Series.

These fine young men played outstanding baseball through the entire tournament, but in the World Series Championship game, they soared and played like true professionals. In their final game, Chris Huth pitched a complete game one-hitter and Cole Montgomery hit a three-run home run to lead their team to a dominating victory over the defending champion Falcon, Venezuela.

These are special young men: Garison Boston, Ben Bridges, Trey Dickson, Brad Green, Taylor Greene, Tyler Higgins, Chris Huth, Tyler Linn, Levi Mauldin, Colton Montgomery, Cole Payne, Zack Philliber, Hank Stewart, and Tyler Williams. The men have brought great pride to their State, great pride to their parents, and great pride to the great city of Cartersville, GA.

Their manager Eric Stewart and coaches Jeff Payne and Mark Montgomery each deserve strong recognition for guiding these young players to victory.

I am pleased to join Senator CHAMBLISS in acknowledging the great achievement of these young men and to extend my deepest congratulations to the 2007 Senior League World Series Champions, the Senior League team of Cartersville, GA.●

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.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:35 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building''.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1154. An act to award a Congressional Gold Medal to Michael Ellis DeBakey, M.D.

H.R. 1657. An act to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.

H.R. 3527. An act to extend for two months the authorities of the Overseas Private Investment Corporation.

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1657. An act to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mr. KENNEDY):

S. 2059. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. DODD, and Mr. OBAMA):

S. 2060. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs. CLINTON, Mr. OBAMA, Mrs. BOXER, Mr. SCHUMER, Ms. CANTWELL, and Mr. CASEY):

S. 2061. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. REID, Ms. MURKOWSKI, Mr. INOUYE, Mr. JOHNSON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself and Mr. GREGG):

S. 2063. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget.

By Mr. DURBIN:

S. 2064. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 2065. A bill to provide assistance to community health coalitions to increase access to and improve the quality of health care services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 2066. A bill to establish nutrition and physical education standards for schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARTINEZ (for himself, Mr. BURR, Mr. LOTT, Mrs. DOLE, Mr. ISAKSON, Mr. BUNNING, and Mr. CORNYN):

S. 2067. A bill to amend the Federal Water Pollution Control Act relating to recreational vessels; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 319. A resolution expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr. LUGAR, and Mr. CARDIN):

S. Res. 320. A resolution recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. THUNE, Mr. MARTINEZ, Mr. DOMENICI, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. ALLARD, Mr. CRAPO, Mr. ISAKSON, Mr. GRAHAM, Mr. ROBERTS, Mr. TESTER, Mr. SALAZAR, Mr. BROWNBACK, Mr. BROWN, and Mrs. LINCOLN):

S. Con. Res. 47. A concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 338

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 338, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 911

At the request of Mr. REED, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1515

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1518

At the request of Mr. REED, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1708

At the request of Mr. DODD, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that

an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1984

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1984, a bill to strengthen immigration enforcement and border security and for other purposes.

S. 2049

At the request of Mr. KENNEDY, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2049, a bill to prohibit the implementation of policies to prohibit States from providing quality health coverage to children in need under the State Children's Health Insurance Program (SCHIP).

S. CON. RES. 45

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 45, a concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 315

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 315, a resolution to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

S. RES. 316

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 316, a resolution designating the week of October 21 through October 27, 2007 as ''National Childhood Lead Poisoning Prevention Week.''

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2057 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2313

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2313 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2335

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 2335 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. DODD, and Mr. OBAMA):

S. 2060. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I am today introducing the Teachers at the Table Act of 2007. This bill is the Senate companion to legislation introduced in the House of Representatives earlier this year by Representative CAROLYN MCCARTHY of New York and Representative LEE TERRY of Nebraska. I am pleased this legislation is cosponsored by my colleagues, Senator JOSEPH LIEBERMAN of Connecticut, Senator BLANCHE LINCOLN of Arkansas, and Senator CHRISTOPHER DODD of Connecticut.

This legislation would create a Volunteer Teacher Advisory Committee to advise Congress and the Department of Education on the impact of No Child Left Behind, NCLB, on students, their families, and the classroom learning environment. The teachers serving on this Committee would be chosen from past or present state or national Teachers of the Year and would be competitively selected by the Secretary of Education and the majority and minority leaders of both the U.S. Senate and the House of Representatives.

Every year I travel to each of Wisconsin's 72 counties to hold a listening session to listen to Wisconsinites concerns and answer their questions. Since NCLB was enacted in early 2002, education has rated as one of the top issues brought up at my listening sessions. I have received feedback from constituents about the noble intentions of NCLB, but I have also heard

about the multitude of implementation problems with the law's provisions. The feedback from teachers, parents, school administrators, and school board members has been invaluable over the past 5 years and yesterday, I introduced the Improving Student Testing Act of 2007 in response to some of that feedback.

The Teachers at the Table bill I am introducing today seeks to help ensure that Congress and the Department of Education receive high-quality yearly feedback on how NCLB is impacting classroom learning around the country. The teachers who will serve on the committee will be competitively chosen from past and present Teachers of the Year, who represent some of the best that teaching has to offer. The bill would create a committee of twenty teachers, with four selected by the Secretary of Education and four selected by each of the majority and minority leaders in the U.S. Senate and House of Representatives. These teachers would serve 2-year terms on the advisory committee and would work to prepare annual reports to Congress as well as quarterly updates on the law's implementation.

Every State and every school district is different and this legislation ensures that the teacher advisory committee will represent a wide range of viewpoints. The bill specifies that the volunteer teacher advisory committee should include teachers from diverse geographic areas, teachers who teach different grade levels, and teachers from a variety of specialty areas. Creating a diverse committee will help ensure that the committee presents a broad range of viewpoints on NCLB to Congress and the Department of Education.

Much work needs to be done this fall to reform many of the mandates of NCLB and I look forward to working with my colleagues during the reauthorization to make those necessary changes. One thing is certain—whatever form the reauthorized NCLB takes, there will be a need for consistent feedback from a diverse range of viewpoints.

We need to ensure that the voices of students, educators, parents, and administrators, who are on the frontlines of education reform in our country, are heard during the reauthorization of NCLB this fall and going forward during the reauthorized law's implementation in years to come. This bill seeks to help address that need by enlisting the service of some of America's best teachers in providing information to Federal education policymakers. The advisory committee created by this legislation will provide nationwide feedback and will allow Congress to hear about NCLB directly from those who deal with the law and its consequences on a daily basis.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs. CLINTON, Mr. OBAMA, Mrs. BOXER, Mr. SCHUMER, Ms. CANTWELL, and Mr. CASEY):

S. 2061. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Fair Home Health Care Act of 2007 to recognize the extraordinary value of the services that home health care workers perform. This legislation is in response to a Supreme Court decision in June that ruled that home care workers are not entitled to the protections provided by the Fair Labor Standards Act.

At the center of that case was a 73-year-old retiree named Evelyn Coke, who spent some two decades of her life cooking, bathing, feeding, and caring for the everyday medical needs of people who cannot take care of themselves. Today, Evelyn Coke suffers from kidney failure. But despite 20 years of working more than 40 hours a week, she can't afford a home health care worker to take care of her. She sued her employer for not paying time-and-a-half pay for all those hours that she worked overtime but was denied premium pay by way of compensation. Unfortunately, Evelyn Coke lost her case before the Court because of an outdated exemption to the Federal minimum wage and overtime laws.

In 1974, Congress expanded the Fair Labor Standards Act, FLSA, include protections for most domestic workers, such as chauffeurs and housekeepers. However, a narrow exemption was created for employees providing ''companionship services'' to seniors and people with disabilities. At that time, home care, like babysitting, was largely provided by neighbors and friends.

In the three decades since the exemption was created, the numbers of home care workers and their responsibilities have expanded dramatically as the population has aged and more and more people are choosing long-term health care services in their homes rather than in institutions. There are more than 1 million home care workers in the U.S. They provide physically and emotionally demanding and often life-sustaining care for the elderly and disabled still living in their own homes.

This bill brings together two issues that are very close to my heart—on the one hand, independent living and quality of life for seniors and people with disabilities, and, on the other hand, the basic rights of American workers to premium pay for overtime work. Service providers and the people they serve agree on this: no one is served well when home care workers are not paid a living wage. Home care workers deserve fair pay. Seniors and people with disabilities deserve continuous relationships with home care aides that they can trust to deliver the care that they need.

Last week, several constituents who provide these kinds of services came to my office. One man, Pete Faust, has worked in home care settings for 30 years. Pete makes $12 an hour and admits he has trouble making ends meet; the overtime pay he receives makes it possible to pay the bills. He knows that he could go work somewhere else and make twice as much, but he worries that it is hard on his clients not to see the same friendly familiar face on a regular basis.

Casey Cole is another of my constituents, and he is in a similar position. He works 12 days in a row, and then gets two days off. Often, however, there isn't anyone else to cover the shifts when he is off, so he will work 26 days in a row. Even his days off aren't really days off, because he's answering calls or checking in to make sure that all the people under his care are getting their needs met.

Not everyone is fortunate enough to have a Pete Faust or a Casey Cole to help them out. There is a shortage of qualified home care workers, and of there is high turnover in the field. Some 86 percent of direct care workers turn over every year. Almost 90 percent of homecare workers are women, and they are predominantly minority women, making an average of just $9 an hour.

The reason for the shortage of people to do this work is certainly not a shortage of compassion. The problem is that people need to be able to make a living wage when they have their own families to take care of. It is high time to grant these hard-working people the minimum wage and overtime protection. That is why I am introducing this legislation, today.

The Fair Home Health Care Act will include home care workers under the same rules that currently cover babysitters. That is to say, they will be entitled to Fair Labor Standards Act protections if they are not employed on a ''casual basis.'' Casual basis is defined as employment on an irregular or intermittent basis, when the employee's primary vocation is not the provision of homecare, the employee is not employed by an agency other than the family or household using his or her services, and the employee does not work more than 20 hours per week.

I urge my colleagues to join me in cosponsoring this legislation. The bill will improve pay for hardworking caregivers, and it will increase access to care for our Nation's seniors and people with disabilities.

By Mr. DORGAN (for himself, Mr. REID, Ms. MURKOWSKI, Mr. INOUYE, Mr. JOHNSON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I am here today with my colleagues Senators REID, MURKOWSKI, INOUYE, JOHNSON, TESTER, DOMENICI and BINGAMAN to introduce legislation to reauthorize and amend the Native American Housing Assistance and Self-Determination Act, NAHASDA. This bill, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 will not only reauthorize the primary housing programs for Indian Country but it will enhance the crucial services provided under these programs.

The Native American Housing Assistance and Self-Determination Act provides formula-based block grant assistance to Indian tribes which allows them the flexibility to design housing programs to address the needs of their communities. Since its adoption in 1996, the Native American Housing Assistance and Self-Determination Act has transformed the way in which Indian housing is provided in the tribal communities. It is clear that the programs have been very successful. For example, in 2006, Tribes have been able to build, acquire, or substantially rehabilitate more than 1,600 rental units and more than 6,000 homeownership units. Each of these units became a home to an American Indian or Alaska Native family.

Even with these improvements, we are still facing a housing crisis in Indian Country. At the Senate Committee on Indian Affairs March and July hearings on Indian housing, we heard alarming statistics: 90,000 Indian families are homeless or under-housed. Approximately 40 percent of on-reservation housing is considered inadequate. Over one-third of Indian homes are overcrowded. More than 230,000 housing units are immediately needed to provide adequate housing in Indian Country.

Tribal elders in the Northern Plains are living in homes without roofs, with only tarps to shield them from the harsh elements including below-zero temperatures. Indian children across the country are forced to live in overcrowded conditions in homes with 23 other people or in trailers in the Northern Plains with wood stoves and no fresh drinking water. This is a national disgrace. How are children supposed to grow and learn in these conditions and how are communities supposed to thrive? This is particularly distressing given the fact that funding for Indian housing has decreased over the last several years, because it has not kept up with inflation and the rising cost of building materials.

The U.S. has a trust responsibility to provide housing for our First Americans. The bill my colleagues and I are introducing today will strengthen NAHASDA by providing tribes with increased flexibility, with the goal of producing more homes in Indian country. The amendments are incremental changes to current law. We realize that ''one size does not fit all'' in Indian housing. Housing needs in the Great Plains differ greatly from those in the southwest. This is why we retained the basic structure of the Indian Housing Block Grant Program, because through this block grant program, tribes and tribal housing entities are able to use the funds to serve their unique needs.

NAHASDA works and with the amendments we are proposing, it will continue to improve housing conditions for American Indians and Alaska Natives. Please allow me to highlight some of the major amendments we are proposing.

Title I of the bill would reauthorize the Indian housing block grant and amend the program to streamline reporting requirements. Title I will also allow Indian tribes to have increased flexibility in running their housing programs by allowing funds to be utilized for community buildings such as day-care centers, Laundromats, and multi-purpose community centers. Through housing we are not only building homes, but the hope is to also build communities.

Title II of the bill creates a new Self-Determined Housing Activities program under which grant recipients may use a portion of their funding to meet their distinct needs in a self-determined manner. This title also expands the list of activities that grant funds may be used for to include operation, maintenance and rehabilitation of rental and homeownership units, mold remediation and necessary infrastructure.

Title III of the bill authorizes a study to assess the existing data sources for determining the need for housing for funding purposes, while Title VI creates a new demonstration project to allow grant recipients to access vital economic development and infrastructure programs.

I am committed to finding ways to provide more homes in Indian Country. The Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 is an important and crucial step towards fulfilling this commitment. 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. 2062

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 ''Native American Housing Assistance and Self-Determination Reauthorization 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. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Treatment of funds.
Sec. 206. Availability of records.
Sec. 207. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 701. Training and technical assistance.

TITLE VIII—FUNDING

Sec. 801. Authorization of appropriations.
Sec. 802. Funding conforming amendments.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(B) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

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

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies only to rental and homeownership units that are owned or operated by a recipient.''.

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

''SEC. 206. TREATMENT OF FUNDS.

''Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.''.

SEC. 206. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

"SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

"SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

"SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term ''Indian organization'' means—

(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

(2) an organization registered as a nonprofit entity that is—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under section 501(a) of that Code;

(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.

TITLE VIII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2008 through 2012''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2008 through 2012''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2008 through 2012''.

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking ''payment'' and inserting ''Payment''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking ''payment'' the first place it appears and inserting ''Payment''; and

(C) by adding at the end the following:

''(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

''(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

''(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

''(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.''.

By Mr. CONRAD (for himself and Mr. GREGG):

S. 2063. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget.

Mr. CONRAD. Madam President, I rise today to introduce, along with Senator JUDD GREGG, the ranking member of the Senate Budget Committee, legislation we have called the

Bipartisan Task Force for Responsible Fiscal Action. We are introducing this legislation because, as the chairman and ranking member of the Budget Committee, we understand that we are on an unsustainable fiscal course; that we confront a budgetary crisis of unprecedented proportions if we fail to act. That crisis will be caused by a combination of our current budget deficits and enormous Federal debt, combined with the explosion created by the baby boom generation.

Here is the outlook we confront with respect to the demographic tidal wave coming at us. We see, in 2007, we are at about 40 million people who are of retirement age, and that will grow to 80 million by 2050, dramatically changing the budget circumstance for this country.

We know we face enormous challenges with Medicare and Social Security. You can see the long-term cost of Medicare. The shortfall over 75 years is now estimated at $33.9 trillion. The shortfall in Social Security over that same period is $4.7 trillion. These are staggering amounts, a shortfall in Medicare of almost $34 trillion, a shortfall in Social Security of over $4.7 trillion.

Looked at another way, Medicare and Medicaid spending, according to experts, if it stays on the current course, will consume as much of our national economy as the entire Federal budget does today.

Let me repeat that. If the trend lines continue, by 2050 we will be spending as much, just on Medicare and Medicaid, of our national income as we spend for the entire Federal Government today. This fundamentally threatens the economic security of the country.

At the same time, we have tax cuts in place. they are extended, according to the President's proposal, it will drive us right over the cliff.

This chart shows the Medicare deficits in purple, the Social Security deficits in green, and the cost of extending the President's tax cuts in red. We can see the combined effect is to take us right over the fiscal cliff, deep into debt and deficit in a way that is unprecedented.

The Chairman of the Federal Reserve said this about our budget outlook in January:

> [O]ne might look at these projections and say, ''Well, these are about 2030 and 2040 and so . . . we don't really have to start worrying about it yet.'' But, in fact, the longer we wait, the more severe, the more draconian, the more difficult . . . the adjustments are going to be. I think the right time to start is about 10 years ago.

The Chairman of the Federal Reserve has it right.

SENATOR GREGG and I are coming to our colleagues today and calling for this bipartisan task force for responsible fiscal action.

What would it do? Simply, it would be given the responsibility to address our unsustainable long-term imbalances between spending and revenue. Everything is on the table. The task force would consist of 16 members, 8 Democrats, 8 Republicans, all of them Members of Congress, except for 2 representing the administration. The Secretary of the Treasury would chair the task force. The obligation of this group would be to submit a report on December 9, 2008. It would take 12 of the 16 members to report a blueprint for our fiscal future. They would be given the responsibility to find ways to address the shortfall in Medicare and Social Security and the ongoing and endemic budget deficits. These 16 members, 8 Democrats, 8 Republicans, would have the opportunity and the responsibility to develop a plan for our fiscal future, but it would take 12 of the 16 to report a plan, and the plan would only come at the beginning of the next administration. This would not be part of election year politics. This would be part of a serious plan to address our long-term fiscal imbalances.

If 12 of the 16 agreed to a plan, it would then receive fast-track treatment in the Senate. It would come to a vote without amendment after 100 hours of debate. Final passage would require a supermajority, 60 votes in the Senate, 60 percent of the House of Representatives.

Senator GREGG and I have worked on this all year. We have discussed this with many Members in both the House and the Senate. This is our best judgment of how best to proceed. We believe this would give the Congress and the country an opportunity to write a better fiscal future, one that would strengthen America, reduce our dependence on foreign capital and put us in a position to keep the promise that has been made to the American people of a country that is strong and fair, that respects those in retirement and, at the same time, gives maximum opportunity to those working to strengthen their families and this country.

I thank my colleague Senator GREGG, the ranking member of the Budget Committee, for the extraordinary time and effort he has put into developing this proposal.

I ask unanimous consent to have printed comments in the RECORD about this proposal: Support for it from David Walker, the Comptroller General of the United States; support from the Concord Coalition, the bipartisan Concord Coalition that is well known for its support of a fiscally responsible future; and from the Committee for a Responsible Federal Budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONRAD/GREGG TASK FORCE

I would like to thank and commend Chairman Conrad and Senator Gregg for their leadership in connection with the issue of fiscal sustainability and intergenerational equity. As I have noted on numerous occasions, our nation is on an imprudent and unsustainable fiscal path. Tough choices are required in order to help ensue that our future is better than our past The sooner we make these choices the better because time is working against us.

During the past two years, I have traveled to 23 states as part of the Fiscal Wake-up Tour. During the Tour, it has become clear that the American people are starved for two things from their elected officials—truth and leadership. I am here today because Senators Conrad and Gregg are trying to address this need. I'm pleased to say that several other members on both side of the political aisle and on both ends of Capitol Hill are taking steps to answer this call by proposing bills to accomplish similar objectives and by also putting ''everything on the table.''

I was especially pleased to see that the ''Task Force'' that would be created by Senator Conrad's and Gregg's legislation was informed by GAO's work on the key elements necessary for any task force or commission to be successful. For example, the commission would have a statutory basis, be bipartisan, involve leaders from both the executive and legislative branch, and would require a super-majority vote for any recommendations to be sent to the President and the Congress. As a result, the Conrad-Gregg proposal provides one potential means to achieve an objective we all should share—taking steps to make the tough choices necessary to Keep America Great, and to help make sure that our country's, children's and grandchildren's future is better than our past. Hopefully, this and other related bills will be given serious and timely consideration by the Congress and the President.

Thank you Senators Conrad and Gregg for your leadership and thank you for the opportunity to join the both of you today.

[From the Concord Coalition, Sept. 18, 2007]

CONCORD COALITION PRAISES SENATORS CONRAD AND GREGG FOR BIPARTISAN INITIATIVE TO ADDRESS LONG-TERM FISCAL IMBALANCE

WASHINGTON.—The Concord Coalition today praised Senate Budget Committee Chairman Kent Conrad (D–ND) and Ranking Member Judd Gregg (R–NH) for introducing legislation that would create a bipartisan commission charged with developing specific solutions to the nation's long-term fiscal imbalance.

''There is very little dispute that current fiscal policies are unsustainable. Yet, too few of our elected leaders in Washington are willing to acknowledge the seriousness of the long-term fiscal problem and even fewer are willing to put it on the political agenda. By focusing attention on this critical issue and insisting that it must be dealt with in a bipartisan manner, Senators Conrad and Gregg are setting a very positive example,'' said Concord Coalition Executive Director Robert L. Bixby.

Changing course to a more sustainable path will require hard choices, the active involvement of the American people and suspension of partisan trench warfare. Since the regular legislative process has been incapable of dealing with the impending fiscal crisis, a new bipartisan commission makes sense as a means of jump-starting serious action,'' Bixby said.

In Concord's view, several aspects of this proposal are promising:

First, the commission would have equal representation from Democrats and Republicans. It would thus be truly bipartisan—an essential element for success.

Second, the commission would have a broad mandate to address the overall fiscal imbalance, not just the actuarial imbalance of individual programs.

Third, there are no preconditions. If either side sets preconditions, the other side will not participate.

Fourth, the commission's recommendations would be given an up or down vote in Congress. Absent that, the report would likely join many others on a shelf.

''This proposal, and others like it that are now being put forward, are very welcome. Our experience with the Fiscal Wake-Up Tour is that the public is hungry for a nonpartisan dialogue on the long-term fiscal challenge. When presented with the facts, they appreciate that each of the realistic options comes with economic and political consequences that must be carefully weighed, and that there must be tradeoffs. This commission would help to clarify those tradeoffs and establish a process for resolving them,'' Bixby said.

[From the Committee for a Responsible Federal Budget, Sept. 18, 2007]

CRFB PRAISES BIPARTISAN TASK FORCE EFFORT

WASHINGTON, DC.—Today, the Committee for a Responsible Federal Budget applauded the effort by Senators Conrad and Gregg to form a Bipartisan Task Force on Responsible Fiscal Action.

''This is precisely the type of bipartisan collaboration we need to jumpstart the discussion of how to confront the nation's fiscal challenges,'' said Maya MacGuineas, President of the Committee for a Responsible Federal Budget. ''Bringing together sitting Members of Congress and representatives from the Administration to discuss these daunting challenges and evaluate the options for reform is a critical first step. We applaud the effort to get this discussion underway and very much hope that it leads to the hard choices that are needed to rebalance the federal government's budget.''

The task force would be made up of sixteen members. Seven would come from the House of Representatives (four appointed by the Speaker of the House and three appointed by the Minority Leader of the House); seven would come from the Senate (four appointed by the Majority Leader of the Senate and three appointed by the Minority Leader of the Senate); and two would come from the Administration (one of whom would be the Secretary of the Treasury, who would serve as the Chairman of the task force). The task force would review all areas of the budget including Social Security, Medicare, and taxes. The task force would be responsible for submitting a set of policy recommendations to improve the federal government's fiscal imbalances, which would then be considered by Congress on an expedited basis.

While the specific mission of the task force—to significantly improve the long-term fiscal balance of the federal government—is somewhat vague, it nonetheless represents an important effort to begin discussing these issues on a bipartisan basis with no preconditions regarding the policy options which can be considered. The Committee for a Responsible Budget supports the creation of a Bipartisan Task Force as an important first step to addressing the country's fiscal policy challenges.

Mr. CONRAD. Again, I recognize my colleague, the very able Senator from New Hampshire, the ranking member of the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me begin by thanking the chairman of the Budget Committee, Senator CONRAD, for moving forward with this important effort to try to reach a conclusion and progress on the most significant issue this Nation faces beyond our fight with Islamic terrorism. In the post-Katrina world, if the country knew that a category 5 hurricane was headed at us, we knew where it was going to hit, we knew the size of the hurricane, and we knew the damage it would do, the Government would be absolutely irresponsible not to respond to that.

What we have coming at us is a category 5 fiscal hurricane. We know when it is going to hit, and that is when the baby boom generation retires and begins to retire next year and reaches its peak in its retirement size by about the year 2025. We know the impact of the problem, the size of the problem, that there is $62 trillion of unfunded liability which will be generated by the retirement of the baby boom generation to pay for the benefits under Medicare, Medicaid, and Social Security.

To try to put that in context, that is more than the entire net worth of all of America—all our homes, cars, stocks, all our assets. That is how big this liability is. We know the effect of this category 5 fiscal hurricane because we know it is going to basically wipe out the ability of our children and our children's children to have as high a quality of life as we have had because the cost of paying for this fiscal tsunami will be so high.

We need to get on to the issue of trying to address this looming threat. As the Comptroller General said today, we have a category 5 hurricane headed at us and people are still playing on the beach as if the wave is not going to arrive. Well, the wave is going to arrive. So what the chairman of the Budget Committee has put forward today—and I am honored to have the opportunity to participate in this effort—is a proposal to move forward with substantive and definitive legislation which will result in action. That is what we need—action. It is similar to the old Fram oil filter ad: You can pay me now or you can pay me later. If we act now, the cost is going to be less than if we act later.

So this proposal, which has been put together after a lot of thought and effort on behalf of myself and Senator CONRAD, is basically built around three concepts. First, that there must be absolute bipartisanship. So as Senator CONRAD has outlined, the task force, when it meets, must have a three-fourths vote in favor of whatever proposal they bring forward. Secondly, everything has to be on the table. Nothing can be off. After all the discussion, in order for this to work, all these parts interplay with each other, you have to be willing to address not only reform and how you deliver better benefits at a lower cost under Medicare and Medicaid and better benefits at a reasonable cost under Social Security, but you also have to address the tax side of the ledger. So everything needs to be on the table. Third, that for this to work, there has to be an action-forcing mechanism. We have seen report after report, commission after commission. A lot of them have done excellent work. But on these issues, which are such hot buttons, what happens is, a commission will make a report, and all the interest groups will attack it from this side and that side and the next side. So this proposal is structured so there is an action-forcing event; specifically, fast-track approval which, again, has to be by a supermajority of the final report of the task force.

This truly is an opportunity to move forward to address this issue. Our failure to do so would be truly ironic because the problem which we confront as a nation, which I say is probably the single biggest issue after the war on Islamic terrorism, fighting the war against Islamic terrorism, is that this fiscal category 5 hurricane is headed toward us, which is essentially going to wipe out our children's opportunity to have a quality of lifestyle equal to ours, is totally the responsibility of the present generation who is governing, the baby boom generation. We are the generation of governance today. So before we pass our problem on to the next generation, we have a responsibility to address it and to try to improve the effort.

I know, as I look around this Chamber and at this administration, there are people of goodwill who, given the right structure, which this task force is, would be willing to come together, make the difficult decisions, and have the expertise to know how to make those decisions to move maybe not a complete resolution of these issues but a significant resolution of the issues down the road so the next generation does not have to bear the whole burden of resolving the problems. It is time to act.

I congratulate the chairman of the Budget Committee for being the force behind getting this effort going. It is a very positive initiative. I think it will be received very well on our side of the aisle. I believe strongly that the administration will receive it well. Therefore, I believe we have a great opportunity to move forward in a way which will make sure our children and their children have as good a country and as strong a country from the standpoint of fiscal policy as we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I again thank my colleague, Senator GREGG, who has been incredibly engaged in this effort. He is very fair-minded in the structure of this proposal and I think visionary in terms of understanding the need for action.

I say to my colleagues or staffs who may be listening, all those who recognize we are headed for a fiscal cliff and that we need to take action, this is our opportunity. This is it. Those who say we have to do something, here is our chance. This is completely bipartisan, eight Democrats, eight Republicans. It takes 12 of the 16 to make a report, a supermajority; that is, to assure it is bipartisan in result. This is a task

force of Members of Congress and representatives of the administration, 14 Members of Congress, 2 representatives of the administration. It is not outside experts, people who would not be responsible or be held accountable for the outcome. These will be people who are accountable, who are responsible for the outcome. This is a measure that will lead to a vote.

I say to my colleagues, this will assure that the work of this group will come before the Congress if 12 of the 16 agree. Because if they do, there will then be 100 hours of debate but no amendment permitted, and there will be a vote up or down. Those who recognize it takes us working together to face up to these difficult problems, I ask them to join with us, Republicans and Democrats. Absent this, I suspect what will happen is further delay, further divisiveness, and no real result. That will mean even tougher choices in the future.

I urge my colleagues to think carefully of this moment. This will not be considered until after the election. We have done everything we can to take election politics out of this, understanding it is highly unlikely that a matter of this import would be considered in an election year and that perhaps the best opportunity is at the beginning of a new administration. None of us know whether the new administration will be a Republican or a Democratic administration. None of us can know the makeup of the next Congress. What we do know is we face a ticking timebomb. The faster we act, the better for our Nation.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. I think the Senator made an excellent point that we are now in a Presidential election. This Commission is a gift to those candidates because they can come forward and point to this Commission as taking on some of the most complicated issues they are going to face. Because this timebomb—which is an appropriate description, using the Senator's words—is going to start to explode, and the explosion will be rather large during the term of the next Presidency.

So this is an opportunity to give those candidates for President a forum and a procedure where these issues, which are so critical to the success of the next Presidency, can actually be moved down the road toward resolution. Is that not true?

Mr. CONRAD. I thank the Senator. I had a number of my colleagues, as the Senator knows, come to me with great concern. Their concern was: Gee, you are putting the Presidential candidates in an awkward position. How are they going to react to this? My reaction was: This is a gift to all the Presidential candidates, this is a gift to the next administration because this will provide them a bipartisan blueprint on how to proceed with some of the most vexing issues facing this country.

So I see absolutely no downside for either side, Republican or Democratic—for Presidential candidates on either side or candidates for Congress on either side—because this is a process leading to a proposal that would have bipartisan support if it is to proceed.

If I were an incoming administration, I would welcome a bipartisan plan to deal with Social Security, with Medicare, with the growth of deficits and the debt, and not to have it come in the middle of an election but to only be presented after the election but before the next Congress meets and the next administration takes on its responsibilities.

I see it as not only a gift to the candidates but, more importantly, as a gift to the American people to take on some of the greatest challenges facing our country and to do it in a bipartisan way and to do it in a way that actually leads to a result and action.

Mr. GREGG. I once again congratulate the chairman of the Budget Committee for his exceptional leadership in this area. This is the first step in a bipartisan effort which, hopefully, will lead to a bipartisan solution that America will see as fair and which will pass on to our children a stronger and more vital Nation.

Thank you.

Mr. CONRAD. I again thank my colleague. This is the beginning of an effort. I ask colleagues on both sides, please, join us in this effort. Let's do what we all know must happen—that we must take on these issues, that we must come up with solutions, and we must do it sooner rather than later.

I thank my colleagues.

By Mr. DURBIN:

S. 2064. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, Americans depend on nurses to deliver quality patient care, yet our Nation faces a critical shortage of nurses. The U.S. Bureau of Labor Statistics projects that more than 1.2 million new and replacement nurses will be needed by 2014 to keep up with the aging Baby Boomer population and the increased demand for health care.

To avoid this dramatic shortage, we need to reach a significant and sustained increase in the number of nurses entering the workforce each year. We can do this by building on the current health care workforce. Nurses who advance from other health care positions are better prepared to meet the demands of the bedside because they are more aware of the work environment and ready to meet its unique challenges. They also require less time in orientation than new workers and represent a diverse population more representative of the patients being served.

Today, I am pleased to introduce legislation that will foster career ladders for current health care workers who are ready to upgrade their skills. Our health care system is an untapped resource in the effort to increase the supply of nurses. Many people in the health care workforce are in entry level jobs that don't always offer opportunities for advancement. For much of this population, advanced education is unaffordable and unattainable.

The Nurse Training and Retention Act offers incumbent health care workers realistic options to enhance their skills, advance their careers, and meet the growing demand for nurses. The legislation authorizes the Department of Labor to award grants to support training programs for health care workers. Health aides can use these programs to earn a certificate or degree in nursing. Nurses can upgrade their skills and qualifications so that they can serve as nurse faculty, which would help relieve the backlog of qualified applicants who aren't in nursing school because of the lack of faculty.

Programs administered by joint labor/management training partnerships have made great progress in the effort to educate and retain nurses. The proposed grant program builds on the good work these partnerships have done, and encourages further collaboration with colleges and universities. The combination of support at the workplace and collaboration with nursing schools to meet the needs of the non traditional student has led to strong performance by these students in nursing school. These new nurses have higher retention rates than other, more traditional students who do not have work experience in the field. Another benefit of the career ladder is that these collaborations are building a more diverse nursing workforce.

Another important player in this process is the employer. That is why my bill asks employers of incumbent health care workers to invest in the training programs. This completes the partnership, so that labor, employer, and the participating school are all working together to retain and grow the health care workforce we have today.

Nurses play an invaluable role in patient care in this country. Unless we do something today to improve the way we train and retain nurses, we face a severe shortage within the next decade. The Nurse Training and Retention Act can help us tap an overlooked resource by ensuring those who are in the health care industry have a chance to move up in their field, while expanding the supply of nurses and nurse faculty. I urge my colleagues to join me in supporting this legislation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2064

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 ''Nurse Training and Retention Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

(a) PURPOSES.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consist of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (C).—To be eligible for a grant under this section, a healthcare employer described in subsection (c) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a Bachelor of Science in Nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, pre-college counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(g) PREFERENCE.—In awarding grant under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurse or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of

nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 319—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES TRANSPORTATION COMMAND ON ITS 20TH ANNIVERSARY

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

(1) the United States Transportation Command at Scott Air Force Base, Illinois;

(2) the Air Mobility Command at Scott Air Force Base, Illinois;

(3) the Military Sealift Command in Washington, District of Columbia; and

(4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peacekeeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democracy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to ''improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war'';

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

(1) providing common-user and commercial transportation, terminal management, and aerial refueling;

(2) providing global patient movement for the Department of Defense through the Defense Transportation System;

(3) serving as the Mobility Joint Force Provider; and

(4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

Resolved, That the Senate—

(1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (including the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

SENATE RESOLUTION 320—RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE IN PURSUIT OF FREEDOM AND DEMOCRACY, AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON SEPTEMBER 30, 2007, PRESERVE AND EXTEND THESE GAINS AND PROVIDE FOR A STABLE AND REPRESENTATIVE GOVERNMENT

Mr. BIDEN (for himself, Mr. LUGAR, and Mr. CARDIN) submitted the following resolutin; which was referred to the Committee on Foreign Relations:

S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukranian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. THUNE, Mr. MARTINEZ, Mr. DOMENICI, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. ALLARD, Mr. CRAPO, Mr. ISAKSON, Mr. GRAHAM, Mr. ROBERTS, Mr. TESTER, Mr. SALAZAR, Mr. BROWNBACK, Mr. BROWN, and Mrs. LINCOLN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 47

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S. Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who steadfastly sacrifice personal fortune and family comfort in order to serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a trustworthy steward of resources, developing and applying technology, managing professional acquisition programs, and maintaining exacting test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2887. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999.

SA 2888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, supra.

SA 2889. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2891. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2892. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2893. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2895. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, Mr. ROBERTS, Mr. SUNUNU, Ms. CANTWELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2896. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2897. Mr. KENNEDY (for himself, Mr. BYRD, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2898. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2899. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2900. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2901. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2902. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2903. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2904. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2905. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2906. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2907. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2908. Mr. REID (for Mr. DOMENICI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 558, to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

TEXT OF AMENDMENTS

SA 2887. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999; as follows:

At the end of the bill, add the following:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) is from a family with a taxable annual income of less than $1,000,000.''.

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking ''through (F)'' and inserting ''through (G)''.

SA 2888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999; as follows:

At the end of the bill, add the following:

SEC. 2. NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.

Section 6 of the District of Columbia College Access Act of 1999 (113 Stat. 1327; Public Law 106–98) is amended by adding at the end the following:

''(i) NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.—In awarding grants under this Act to eligible institutions, the Mayor shall pay amounts, on behalf of eligible students, that are equivalent regardless of whether the students attend a public or private eligible institution.''.

SA 2889. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construciton, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled ''Human Intelligence Collector Operations''.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

(d) DEFINITION.—In this section, the term ''officer or agent of the United States'' includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States.

SA 2890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construciton, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines, on the basis of a business case prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency; and

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations requiring the head of an agency initiating a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), to find that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of synthetic fuels as so authorized; and

(C) the technical risks associated with such technologies are not excessive.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

SA 2891. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2011 proposed by MR. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) REDEPLOYMENT OF UNITED STATES COMBAT FORCES.—

(1) REDEPLOYMENT REQUIRED.—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (3), by April 30, 2008.

(2) PROHIBITION ON FUNDING.—No funds may be used to support military operations of the United States in Iraq after April 30, 2008, except for the limited purposes set forth in paragraph (3).

(3) EXCEPTION FOR LIMITED PURPOSES.—The requirement to redeploy forces under paragraph (1) and the prohibition on funding under paragraph (2) do not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) ARMED FORCES READINESS.—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President's proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) $1,000,000,000 for the National Guard Reserve Equipment Account;

(2) $10,288,000,000 for the Army;

(3) $3,189,600,000 for the Marine Corps;

(4) $16,943,600,000 for the Air Force; and

(5) $5,657,000,000 for the Navy.

(d) LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.—Twenty-five percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by January 31, 2008, is at least 50,000 fewer than the number so deployed as of September 12, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(3), by April 30, 2008.

(e) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

SA 2892. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

''(9) Developments in asymmetric capabilities, including cyberwarfare, including—

''(A) detailed analyses of the countries targeted;

''(B) the specific vulnerabilities targeted in these countries;

''(C) the tactical and strategic effects sought by developing threats to such targets; and

''(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.''.

SA 2893. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment Act of 2007''.

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal adviser''.

(2) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).''.

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out

operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

SA 2894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ASSESSMENTS OF SPONSOR PROGRAMS AT THE MILITARY SERVICE ACADEMIES.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees an assessment of the sponsor program at each military service academy of such military department together with a copy of the policy of the academy with respect to such program.

(b) CONTENT.—Each assessment submitted under subsection (a) shall describe—

(1) the purpose of the policy regarding the sponsor program at the academy;

(2) the implementation of the policy;

(3) the method used to screen potential sponsors;

(4) the responsibilities of sponsors;

(5) the guidance provided to midshipmen and cadets regarding the sponsor program; and

(6) any recommendations for change in the sponsor program.

SA 2895. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, Mr. ROBERTS, Mr. SUNUNU, Ms. CANTWELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE REPLACEMENT OF THE TANKER AIRCRAFT FLEET.

It is the sense of Congress that timely replacement of the Air Force aerial refueling tanker fleet in a manner that achieves the best value for the taxpayer is a vital national security priority for the reasons as follows:

(1) The average age of the aircraft in the Air Force aerial refueling tanker fleet is now more than 43 years, with the age of the aircraft in the KC–135 tanker fleet averaging 46 years.

(2) The development and fielding of a replacement tanker aircraft will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(3) Under current plans, it will take more than 30 years to replace the current fleet of KC–135 tanker aircraft, meaning that some KC–135 tanker aircraft are scheduled to remain operational until they are nearly 80 years old.

SA 2896. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROHIBITION ON USE OF FUNDS FOR CRUEL, INHUMAN, AND DEGRADING TREATMENT AND PUNISHMENT.

(a) PROHIBITION ON USE OF FUNDS FOR CRUEL, INHUMAN, AND DEGRADING TREATMENT AND PUNISHMENT.—No funds authorized to be appropriated by this Act may be used in contravention of the following laws enacted or regulations prescribed to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations;

(3) Sections 1002 and 1003 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note; 42 U.S.C. 2000dd).

(b) PROHIBITION ON USE OF FUNDS FOR EXTRAORDINARY RENDITIONS.—No funds authorized to be appropriated by this Act may be used for any transfer (commonly referred to as an ''extraordinary rendition'') of any person who is imprisoned, detained, or held, or otherwise in the custody or control of a department, agency, or official of the United States Government, or any contractor of a department or agency of the United States Government, to a country where there are substantial grounds for believing that such person would subjected to torture.

SA 2897. Mr. KENNEDY (for himself, Mr. BYRD, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation in medicine, dentistry, and veterinary sciences (including consultation services for patients who are civilians, veterans, or active duty military personnel).

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

SA 2898. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall

commence the reduction of the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by not later than nine months after the date of the enactment of this Act.

SA 2899. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves because of a mental or physical disability in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(5) COVERAGE OF FEDERAL EMPLOYEES NOT UNDER THE FEDERAL ANNUAL- AND SICK-LEAVE SYSTEM.—The program developed by the Office of Personnel Management under paragraph (2) shall also authorize employees of the executive branch who are not employees referred to in paragraph (1)(C) to use sick leave, or any other leave available to the employee, during a covered period of service for purposes relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2009.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves because of mental or physical disability in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2009.

(c) GAO REPORT.—Not later than March 31, 2009, the Government Accountability Office

shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 2900. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(m) LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.—

(1) SHORT TITLE.—This subsection may be cited as the ''Stop Business with Terrorists Act of 2007''.

(2) DEFINITIONS.—In this subsection:

(A) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(B) PARENT COMPANY.—The term ''parent company'' means an entity that is a United States person and—

(i) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(ii) board members or employees of the entity hold a majority of board seats of another entity; or

(iii) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(C) UNITED STATES PERSON.—The term ''United States person'' means—

(i) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(ii) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in clause (i) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

(3) LIABILITY OF PARENT COMPANIES.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(4) APPLICABILITY.—Paragraph (3) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in paragraph (3) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

SA 2901. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) In recent months, government testing and surveys of commercially available small arms have identified alternative riles and carbines that, like the M4 carbine, meet or exceed existing performance and maintenance requirements for the Armed Forces.

(6) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should establish a new program of record for the Joint Enhanced Carbine not later than October 1, 2008.

(c) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(6).

(d) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on best weapon performance in light of the capabilities identified to be required in the Capabilities Based Assessment.

(e) REPORT ON CLASSIFICATION AS JOINT ENHANCED CARBINE.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in accordance with the Joint Enhanced Carbine requirement.

(3) The reclassification, effective August 1, 2008, of funds for M4 Carbines to Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit using contracts for nondevelopmental items that are awarded through full and open competition.

SA 2902. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

SA 2903. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. ENHANCEMENT OF REVERSE SOLDIER READINESS PROCESSING DEMOBILIZATION PROCEDURE.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly modify the demobilization procedure for members of the Armed Forces known as Reverse Soldier Readiness Processing by providing for the presence of appropriate Department of Veterans Affairs personnel during such demobilization procedure in order to achieve the following:

(1) The voluntary registration of members of the Armed Forces covered by such procedure in applicable systems of the Department of Veterans Affairs.

(2) The voluntary registration of members of the Armed Forces covered by such procedure for applicable benefits and services from the Department of Veterans Affairs.

(3) The provision of information to members of the Armed Forces covered by such procedure on the benefits and services available to veterans from or through the Department of Veterans Affairs.

SA 2904. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ELECTRONIC DISTRIBUTION OF MEDICAL AND OTHER PERSONNEL RECORDS TO MEMBERS OF THE ARMED FORCES UPON THEIR DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy, to apply uniformly across the military departments, for the distribution and transfer to members of the Armed Forces of their medical and other personnel records in CD-ROM or other appropriate electronic format at the following times:

(1) Upon the discharge or release of such members from the Armed Forces.

(2) In the case of members of the National Guard or Reserve, upon the deactivation or demobilization of such members after a period on active duty in the Armed Forces of more than 30 days.

(b) PRIVACY AND OTHER APPLICABLE REQUIREMENTS.—The policy required by subsection (a) shall ensure the privacy, security, and protection of medical and other personnel records distributed and transferred pursuant to the policy in a manner consistent with applicable law.

SA 2905. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

SEC. 583. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing grants to eligible entities to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the ''National Military Family Readiness and Servicemember Reintegration Outreach Program'' (in this section referred to as ''the pilot program'').

(b) GRANTS.—The Secretary shall carry out the pilot program through the award of grants to eligible entities for the provision of outreach services to members of the Armed Forces and their families as described in subsection (a).

(c) ELIGIBLE ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

(1) An Adjutant General of a State or territory of the United States.

(2) A medical center of a Veterans Integrated Service Network (VISN).

(3) A State veterans affairs agency.

(4) A family support group for regular members of the Armed Forces or for members of the National Guard or Reserve, if such organization partners with an entity described in paragraphs (1) through (3).

(5) An organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code, if such organization partners with an entity described in paragraphs (1) through (3).

(6) A State or local nonprofit organization, if such organization partners with an entity described in paragraphs (1) through (3).

(d) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Recipients of grants under the pilot program shall develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

(f) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 may be available to carry out this section.

SA 2906. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF FIRE RESISTANT RAYON FIBER MANUFACTURED IN AUSTRIA FOR UNIFORMS.

Section 2533a(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Fire resistant rayon fiber manufactured in Austria for use in the production of uniforms, unless fire resistant rayon fiber for such use is produced in the United States.''.

SA 2907. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 2585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. FIRE RESISTANT RAYON FIBER FOR UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORIZED SOURCES.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following:

''§ 2410r. Foreign manufactured fire resistant rayon fiber for uniforms: procurement

''(a) AUTHORITY.—The Secretary of Defense may procure fire resistant rayon fiber manufactured in a foreign country referred to in

subsection (b) for use in the production of uniforms.

''(b) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

''(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

''(2) permits United States firms that manufacture fire resistant rayon fiber to compete with foreign firms for the sale of fire resistant rayon fiber in that country, as determined by the Secretary of Defense.

''(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

''(d) DEFINITIONS.—In this section, the terms 'United States firm' and 'foreign firm' have the meanings given such terms in section 2532(d) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following new item:

''2410r. Foreign manufactured fire resistant rayon fiber for uniforms: procurement''.

SA 2908. Mr. REID (for Mr. DOMENICI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 558, to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mental Health Parity Act of 2007''.

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

''SEC. 712A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) and shall be subject to the applicable notice requirements under section 104(b)(1).

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.''.

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg-5) the following:

''SEC. 2705A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) of the Employee Retirement Income Security Act of 1974 and shall be subject to the applicable notice requirements under section 104(b)(1) of such Act.

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election. A health insurance issuer providing health insurance coverage in connection with a group health plan shall provide a copy of such notice to the State insurance department or other State agency responsible for regulating the terms of such coverage.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may

also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

''(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.''.

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

''(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.''.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance use disorders, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance use disorder treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing will be to receive testimony on the following bills: S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; S. 189, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania; S. 867, to adjust the boundary of Lowell National Historical Park, and for other purposes; S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; S. 1476, to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; S. 1709 and H.R. 1239, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska; S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, September 18, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on the National Football League Retirement System and the current compensation system for NFL retirees with claims of advanced injuries that became symptomatic after retiring from the NFL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 18, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Breaking the Methamphetamine Supply Chain: Meeting Challenges at the Border.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 18, 2007, at 2:30 p.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Examining Approaches to Corporate Fraud Prosecutions and the Attorney-Client Privilege Under the McNulty Memorandum'' on Tuesday, September 18, 2007 at 10:30 a.m., in the Dirksen Senate Office Building, room 226.

Witness list

Panel I: Karin Immergut, United States Attorney, District of Oregon, U.S. Department of Justice, Chair; and White Collar Subcommittee for the Attorney General's Advisory Committee, Portland, Oregon.

Panel II: Dick Thornburgh, Of Counsel, K&L Gates, Washington, DC; Daniel Richman, Professor, Columbia Law

School, New York, NY; Michael Seigel, Professor, University of Florida Levin College of Law, Gainesville, FL; and Andrew Weissmann, Partner, Jenner & Block, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 18, 2007, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH PARITY ACT OF 2007

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 93, S. 558.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 558) to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mental Health Parity Act of 2007''.

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

''SEC. 712A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate, reduce, or provide out-of-network coverage with respect to such plan (or coverage).

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(g) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage.''.

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg-5) the following:

''SEC. 2705A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

''(3) be prohibited from applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate, reduce, or provide out-of-network coverage with respect to such plan (or coverage).

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(g) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

''(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.''.

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

''(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.''.

SEC. 4. SPECIAL PREEMPTION RULE.

(a) ERISA PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

''(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding any provision of section 514 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provision of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 712A.

''(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 712A(d)).''.

(b) PHSA PREEMPTION.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

''(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding any provision of section 514 of the Employee Retirement Income Security Act of 1974 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provisions of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 2705A.

''(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 2705A(d)).''.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to a State, on the date on which the provisions of section 2 apply with respect to group health plans and health insurance coverage offered in connection with group health plans.

SEC. 5. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance abuse, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance abuse treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

Mr. KENNEDY. Mr. President, today is a landmark day in our nation's struggle to achieve access to mental health services for all Americans. The Mental Health Parity Act of 2007 reflects a major agreement by the mental health community, business leaders, and the insurance industry to guarantee that persons with mental health needs receive fair and equitable health insurance. Its passage will mean dramatic new help for 113 million Americans who today are without mental health care and treatment.

Access to such care and treatment is one of the most important and neglected civil rights issues facing the nation. For too long, persons living with mental disorders have suffered discriminatory treatment at all levels of society. They have been forced to pay more for the services they need and to worry about their job security if their employer learns of their condition. Sadly, in America today, patients with biochemical problems in their livers receive better care and greater compassion than patients with biochemical problems in their brains.

This bill will help end such unacceptable discrimination. As we have seen in the recent bipartisan CHIP legislation, no one questions the need for affordable treatment of physical illnesses, but those who suffer from mental illnesses face serious barriers in obtaining the care they need at a cost they can afford.

Like those suffering from physical illnesses, persons with mental disorders deserve the opportunity for quality care. The failure to obtain treatment can mean years of shattered dreams, unfulfilled potential and broken lives.

The need is clear. One in five Americans will suffer some form of mental illness this year, but only a third of them will receive treatment. Millions of our fellow citizens are unnecessarily enduring the pain and sadness of seeing a family member, friend, or loved one suffer illnesses that seize the mind and break the spirit.

Battling mental illness is a difficult process, but discrimination against persons with such illnesses is especially cruel, since the success rates for treatment often equal or surpass those for physical conditions. According to the National Institute of Mental Health, clinical depression treatment can be 70 percent successful, and treatment for schizophrenia can be 60 percent successful.

Eleven years ago, a bipartisan majority in Congress approved the original Mental Health Parity Act. That legislation was an important first step in bringing attention to discriminatory practices against the mentally ill, but it did little to correct the injustices that so many Americans continue to face. This bill takes the actions needed to end the long-standing discrimination against persons with mental illness.

Over the years we have heard compelling testimony from experts, activists, and patients about the need to equalize coverage of physical and mental illnesses. Some of the most forceful testimony came several years ago from Lisa Cohen, a hardworking American from New Jersey, who suffers from both physical and mental illnesses, and is forced to pay exorbitant costs for treating her mental disorder, while paying very little for her physical disorder. Lisa is typical of millions of Americans for whom the burden of mental illness is compounded by the burden of unfair discrimination.

No Americans should be denied equal treatment for an illness because it involves the brain instead of the heart, the lungs, or other parts of their body. Mental health parity is a good investment for the Nation. The costs from lost worker productivity and extra physical care outweigh the costs of implementing parity for mental health treatment.

Study after study has shown that parity makes good financial sense. Mental illness imposes a huge financial burden on the Nation. It costs us $300 billion each year in treatment expenses, lost worker productivity, and crime. This country can afford mental health parity. What we can't afford is to continue denying persons with mental disorders the care they need.

But equal treatment of those affected by mental illness is not just an insurance issue. It is a civil rights issue. At its heart, mental health parity is a question of simple justice.

Today is a turning point. We are finally moving toward ending this shameful form of discrimination in our society—discrimination against persons with mental illness. This bill is a true commitment by the insurance industry, business industry and the mental health community to bring fairness and dignity to the millions of Americans who have been second class patients for too long.

The 1996 act was an important step towards ending health insurance discrimination against mental illness. This bill takes another large step to close the loopholes that remain.

We would not be here without the strong commitment and skillful determination of the late Senator Paul Wellstone and Senator PETE DOMENICI. They deserve immense credit for their bipartisan leadership on mental health parity.

I also commend the staff, both Democrat and Republican, who worked so long and hard on this legislation. I particularly thank Carolyn Gluck of Senator REID's office and all the Democratic staff who worked in recent weeks to help us produce the bill we have today.

I also commend Ed Hild of Senator DOMENICI's staff and Andrew Patzman of Senator ENZI's staff for the many hours they spent with my staff to negotiate the bill.

On my staff, I especially commend several who worked so long and hard and well on this legislation—Michael Myers, Carmel Martin, Kelsey Phipps, Daniel Dawes, Jennie Fay, Ches Garrison, and above all Connie Garner, whose passion, counsel and commitment I value so highly on this and many other issues. Without her dedicated guidance, we would not be at this important threshold today.

My hope is that as we improve access to mental health services for all Americans, we will also help end the stigma and discrimination against those with mental illness. Mental illnesses are treatable and curable, and it is high time to bring relief to those who suffer from them.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, I rise to join my colleagues and sponsors of this legislation, Senators DOMENICI and KENNEDY, for their long and tireless work bringing us to passage of this bill tonight.

This legislation is literally years, if not decades in the making, and reflects countless hours of sweat and negotiation.

With much effort and indispensable help, we managed to bring together long-opposed advocates from the mental health advocacy, provider, employer, and insurance communities around a solid, responsible, bipartisan, and long-overdue bill.

Passage of this bill is a beacon example of what can be accomplished when people roll up their sleeves and work together in a bipartisan way.

This legislation will bring fairness and relief to millions of Americans suffering from mental illness. The road is not yet over, but tonight is a tremendous step forward.

Mr. REID. Mr. President, Passage of the Mental Health Parity Act of 2007 is an important victory for individuals who are affected by mental illnesses. Over a decade has passed since we enacted the landmark 1996 mental health parity law that was championed by my good friend, the late Senator Paul Wellstone, and Senator DOMENICI. Before his untimely death, Paul Wellstone was a tireless and eloquent advocate for legislation that would strengthen the 1996 law and achieve full parity in coverage between mental and physical illnesses.

The Mental Health Parity Act of 2007 is the culmination of many years of work to build on and strengthen the 1996 Mental Health Parity Act. It is a good compromise that will ensure that plans covering mental health services cannot provide different financial requirements or treatment limitations than they would for medical or surgical benefits. This legislation is long overdue and I will continue to work to ensure it is enacted as soon as possible.

Mr. DODD. Mr. President, I rise in support of S. 558, the Mental Health Parity Act of 2007. After many months of negotiations, I am pleased to call myself a strong supporter of this legislation. I thank the Chairman of the Health, Education, Labor and pensions Committee and the senior Senator

from New Mexico for working with me and congratulate them on passage of S. 558. They and their staff have worked long hours to craft this compromise bill. Supporters of mental health parity, old and new, should commend the leadership of Senators KENNEDY and DOMENICI for their years of commitment and struggle to pass expanded Federal mental health parity legislation.

Millions of Americans are affected by mental illness. Each year, more than 50 million American adults will suffer from a mental disorder. All of us know a friend, a relative, a neighbor, a colleague whose life has been touched by mental illness, either their own or the illness of a loved one. Yet despite the compelling need, under many health plans, mental health benefits are much more limited than benefits for medical or surgical care. Even though a range of effective treatments exist for almost all mental disorders, those suffering from mental illness often face increased barriers to care and the stigma that underlies discriminatory practices in how we treat mental illness. These are the individuals that have insurance. It can only be worse for those without insurance. Mental health must not take a backseat to other health conditions.

My own State of Connecticut recognized the disparity between insurance coverage for physical and mental illness and made significant steps to address it by enacting strong mental health parity and consumer protection laws. These laws far exceed what exists currently at the Federal level and I believe the bill being passed by the Senate today will allow my State to maintain those strong laws in the future.

I was an original cosponsor of the original mental health parity bill in 1996 along with Senator DOMENICI and the late Senator Wellstone and have been a strong supporter of efforts to strengthen that bill since it was signed into law. But the legislation the HELP Committee marked up last February was different from what our late colleague Paul championed for so many years. The legislation our committee marked up contained preemption language which was broader in scope than what was in Federal mental health parity bills in the past.

For that reason, I offered amendments during that markup to address preemption in a way I believed would have taken a major step toward protecting State insurance laws and ensuring that we do no harm to State-based consumer protections through passage of Federal mental health parity. At that markup, I voiced concerns about the impact the bill would have on States like Connecticut who have strong mental health parity laws, strong consumer protection laws, and strong benefit mandate laws.

As a result of my continued concerns about the impact this bill would have on the residents of my State, I withheld cosponsorship of the legislation until the issues surrounding preemption could be resolved. Due to the hard work and dedication of members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Specifically, the bill being passed today removed the broad preemption language entirely. The bill now relies on the existing preemption of State law standard currently in the Employee Retirement Income Security Act and the Public Health Service Act, preserving States' laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insureds to utilization review or medical management companies, which are licensed and regulated by the states. In fact, the legislation written by Chairman KENNEDY, called the Health Insurance Portability and Accountability Act, HIPAA, was an innovative approach to Federal health care reform that has worked well in setting a minimum standard of protections while allowing stronger State-based consumer protections. It is my understanding that the bill passed today will operate in a very similar manner.

I thank Senators KENNEDY and DOMENICI for entering into a colloquy with me to further clarify the intent of this legislation. They have been open and willing to working with me since the HELP Committee markup occurred to address the concerns I had with this legislation. I would also like to acknowledge and thank the tremendous work and expertise of Mila Kofman, Associate Research Professor, Health Policy Institute, Georgetown University. She worked tirelessly to assist the members and staff through the complex issues of ERISA and preemption. From my own State of Connecticut, I would like to thank Kevin Lembo, Victoria Veltri, and Richard Kehoe who worked closely with my staff to ensure that Connecticut's strong mental health parity laws would be protected under this legislation.

The bill we are passing today will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect. It reflects months and years of hard work and compromise. It is a victory for patients who need coverage for mental health services and I am pleased to stand in support of this legislation.

Mr. DOMENICI. Mr. President, I want to start by thanking my colleagues, Senators KENNEDY and ENZI, for all of their work and dedication on the Mental Health Parity Act of 2007. We would not be here this evening without them and a whole host of others both in and out of the Senate.

Simply put, our legislation will ensure individuals with a mental illness have parity between mental health coverage and medical and surgical coverage. No longer will people with a mental illness have their mental health coverage treated differently than their coverage for other illnesses. That means parity between the coverage of mental illnesses and other medical conditions like cancer, heart disease, and diabetes.

No longer will people be treated differently only because they suffer from a mental illness, and that means 113 million people in group health plans will benefit from our bill. We are here after years of hard work. We have worked with the mental health community and the business and insurance groups to carefully craft a compromise bill.

No longer will a more restrictive standard be applied to mental health coverage and another more lenient standard be applied to medical and surgical coverage. What we are doing is a matter of simple fairness. I believe that becomes even more important when you consider the following: 26 percent of American adults, or nearly 58 million people, suffer from a diagnosable mental disorder each year, and 6 percent of those adults suffer from a serious mental illness. More than 30,000 people commit suicide each year in the United States, and 16 percent of all inmates in State and local jails suffer from a mental illness.

I would like to take a minute to talk about what we are doing with the passage of the Mental Health Parity Act of 2007. The bill provides mental health parity for about 113 million Americans who work for employers with 50 or more employees, ensures that 98 percent of businesses which provide a mental health benefit do so in a manner that is no more restrictive than the coverage of medical and surgical benefits, and ensures health plans do not place more restrictive conditions on mental health coverage than on medical and surgical coverage. The bill accomplishes this by providing parity for financial requirements like deductibles, copayments, and annual and lifetime limits and parity for treatment limitations, the number of covered hospital days and visits.

Again, I want to thank everyone for their extraordinary efforts that have allowed us to achieve Senate passage of the Mental Health Parity Act of 2007.

Mr. DURBIN. Mr. President, today the Senate takes a long overdue step in the right direction for the health of all Americans. The passage of the Mental Health Parity Act of 2007 recognizes the millions of people living with a mental illness and the millions of friends, family members, and communities who support them.

Mental health parity legislation simply calls for health plans to provide comparable levels of coverage for mental health services as are provided for traditional medical services. It doesn't sound like a radical proposal, yet it has taken years to move this legislation through the Senate.

We have made progress, though, and much of the leadership on this issue has been provided by Senator KENNEDY and Senator DOMENICI in recent years. We started in 1992, when my good friend, the late Senator Paul Wellstone, and Senator PETE DOMENICI introduced the Mental Health Parity Act to correct the unfair burden placed on American families living with mental illness without access to mental health services.

It took a while, but in 1996, the first mental health parity legislation was enacted into law. It wasn't a perfect bill. It fell far short of its goal in many respects, but it was a significant piece of legislation that acknowledged the longstanding bias against covering mental health services.

Based on what we did in 1996, current law requires insurers that offer mental health care to offer comparable benefit caps for mental health and physical health. Unfortunately, that left a loophole that has allowed the common practice in which insurers set higher deductibles, charge higher copays, and cover fewer services for mental health care. As a result, millions of Americans are left without affordable mental health treatment. What they are left with is the often crushing aftermath—loss of employment, poor school performance, poverty, and even suicide.

Every year since that 1996 law was enacted, the Senate has had a mental health parity bill to fix this problem, but to no avail. This year, for the first time in a decade, the Senate has passed a bill to address the loopholes in the mental health parity law. I commend Senators KENNEDY and DOMENICI for their dedication to seeing this through. I only wish that Paul Wellstone could have lived to see this day.

Paul Wellstone was a good friend of mine and an inspiration to me and to many others who served with him in the Chamber. Throughout his congressional career, Paul fought tirelessly for equal rights for all, regardless of their race, religion, socioeconomic status, or health status. He was a champion of many causes, but no cause was more dear, or more personal, to him than making sure that people with mental illness were treated fairly and with dignity.

Paul Wellstone was touched personally by mental illness. His older brother lived and struggle with mental illness most of his life. Paul believed that for his brother, and for all Americans, mental health was as important as physical health. Senator PETE DOMENICI, too, understands the importance of having access to mental health services. His daughter also has struggled with mental illness.

Fifteen years ago, Senators Wellstone and DOMENICI brought home a fact that is as true today as it was then—nearly everyone knows someone living with a mental illness. According to the National Institute of Mental Health, more than one in four adults in the United States—more than 57 million adults—suffer from a diagnosable mental disorder in a given year. One in seventeen Americans suffers from a serious mental illness.

These two Senators were fiercely determined to end discrimination against people with mental illness. We all lost a spirited champion for mental health on October 25, 2002, when Paul Wellstone was in a fatal plane crash. But the fight for mental health parity has lived on. Senator KENNEDY quickly took up the fight, and he and Senator DOMENICI have resolutely worked to strengthen common ground and supporters who would bring us to this day, the day of Senate passage of the mental health parity bill.

Last year, the Senate passed a resolution I submitted that marked the fourth anniversary of Paul Wellstone's death. The resolution expresses the sense of the Senate that Congress should act ''to provide for equal coverage of mental health benefits with respect to health insurance coverage''—in other words, pass mental health parity.

I am proud to note the Senate's action today. With the passage of the Mental Health Parity Act of 2007, we are assuring millions of Americans that mental illness deserves equal treatment as physical illness. We are telling millions of families that help is available and that they no longer have to feel excluded. And most importantly, we are opening doors to hope and closing doors to desperation.

We may not live in a perfect world but we are closer to a more perfect union. It is in the spirit of Paul Wellstone and—thanks to Senators KENNEDY and DOMENICI—the spirit of bipartisanship that we pass this historic piece of legislation. Senator Wellstone was quoted as saying:

> I don't think politics has anything to do with left, right, or center. It has to do with trying to do right by the people.

Today, I think Paul would agree that the Senate has done right.

PREEMPTION AND PROTECTING STATE LAWS

Mr. DOMENICI. Mr. President, as someone who has worked to bring a greater understanding of mental illness and to end all forms of discrimination against people who suffer from a mental illness, I am pleased to report that the Senate has passed a monumental mental health parity bill that could bring hope and greater measure of fairness in mental health insurance care coverage to as many as 113 million Americans and nearly 500,000 New Mexicans. This legislation, the Mental Health Parity Act of 2007, builds on the 1996 Mental Health Parity law that I authored with the late Senator Paul Wellstone. It is supported by more than 230 organizations and has been a bipartisan effort from the beginning. I thank Senator KENNEDY, the chairman of the Health, Education, Labor and Pensions Committee, for his vision, his leadership and his support for this legislation.

Mr. KENNEDY. I thank the Senator from New Mexico for his tremendous leadership on this bill. He has fought for this legislation for many years, and I am grateful for his commitment to getting this bill passed. This legislation represents the culmination of more than a year's negotiations involving lawmakers, mental health, insurance and business organizations to craft compromise legislation. During the markup of the bill last February, my colleague Senator DODD raised very important issues regarding the effects of the preemption language in the legislation. Since then, he was joined by several other Senators, attorneys general, and State insurance commissioners who have voiced concerns about unintended consequences of the bill. It was never the intent of the bill to harm or weaken State insurance laws but in response to concerns raised by several of my colleagues and insurance experts, the language pertaining to preemption was stricken from the legislation.

Mr. DODD. I thank the chairman of the HELP Committee and the distinguished senior Senator from New Mexico and congratulate them on passage of S. 558, the Mental Health Parity Act. They and their staff have worked long hours to craft this compromise bill, and I congratulate them on this victory for individuals with mental illness throughout the country. Supporters of mental health parity, old and new, should commend the leadership of Senators DOMENICI and KENNEDY for their years of commitment and struggle to pass Federal mental health parity legislation.

I was an original cosponsor of the original mental health parity bill in 1996, along with Senator DOMENICI and the late Senator Wellstone, and have been a strong supporter of efforts to strengthen that bill since it was signed into law. But, as my colleagues may know, the legislation the HELP Committee marked up last February which is now before the Senate is different from what our late colleague Paul championed for so many years. The legislation our committee marked up contained preemption language which was broader in scope than what was in Federal mental health parity bills in the past. For that reason, I filed amendments during that markup to address preemption in a way I believed would have taken a major step toward protecting State insurance laws and ensuring that we do no harm to State-based consumer protections through Federal mental health parity. At that markup, I voiced concerns about the impact the bill would have on States like Connecticut who have strong mental health parity laws, strong consumer protection laws, and strong benefit mandate laws.

As a result of my continued concerns about the impact this bill would have on the residents of my State, I withheld cosponsorship of the legislation until the issues surrounding preemption could be resolved. I am pleased to say that because of the hard work and

dedication of Members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Mr. KENNEDY. I thank the senior Senator from Connecticut and appreciate his leadership on this issue. He raised a number of important issues during the consideration of this bill. I believe we have addressed those concerns in the legislation and I am pleased that he is now a strong supporter of the legislation.

Mr. DODD. The bill passing the Senate today relies on the existing preemption of State law standard currently in ERISA and the Public Health Service Act, preserving States laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insurers to utilization review or medical management companies, which are licensed and regulated by the States. In fact, the legislation written by the Senator from Massachusetts, called HIPAA, was an innovative approach to Federal health care reform that has worked so well in setting a minimum standard of protections while allowing stronger State-based consumer protections. Is it the distinguished senior Senator from Massachusetts' belief that S. 558 preserves the States' ability to regulate such companies?

Mr. KENNEDY. Yes, nothing in this bill affects any State law or State regulation of any company or issuer who performs utilization review or other medical management services. The changes made to the preemption section of S. 558 mean that the current HIPAA standard would apply to this legislation, just like it applies to existing law passed in 1996. By using existing preemption language, we mean only the narrowest preemption of State laws. A minimum standard of Federal protection allows States to provide additional protection for their citizens. State laws designed to regulate medical management or utilization review to protect plan participants are not preempted under the bill because they do not ''prevent the application'' of the substantive provisions of this bill.

Mr. DODD. Is it also the understanding of the senior Senator from New Mexico that this legislation will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect?

Mr. DOMENICI. Yes, the senior Senator from Connecticut is correct.

Mr. DODD. I thank the Senator and want to thank the Senator from Massachusetts for allowing my concerns about preemption and protecting State laws to be heard in the committee and for working tirelessly with me to address those concerns. The bill we are passing reflects months and years of hard work and compromise, and I am pleased to voice my strong support for S. 558. It is a victory for patients who need coverage for mental health services.

Mr. REID. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the motions to reconsider be laid upon the table, en bloc; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2908) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 558), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I congratulate Senators KENNEDY, ENZI, and others who worked on this legislation for such a long time. They are to be commended. Senator Wellstone, I am sure, is smiling on us today.

ORDERS FOR WEDNESDAY, SEPTEMBER 19, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that on September 19, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and, following the time utilized by the two leaders, the Senate then resume consideration of H.R. 1585, the Defense Department authorization bill, and we proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, with the time to be equally divided and controlled between the leaders or their designees; that upon the conclusion of the debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments to amendment No. 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, September 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT), VICE ROBERT ALLEN PITTMAN, RESIGNED.

DEPARTMENT OF LABOR

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE KATHLEEN P. UTGOFF, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL R. SEWARD, 0000

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

JOSEPH E. VORBACH, 0000
RICHARD W. SANDERS, 0000

To be commander

DARRELL SINGLETERRY, 0000

To be lieutenant commander

THOMAS W. DENUCCI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFREY G. ANDERSON, 0000
MICHAEL A. CICALESE, 0000
MICHAEL D. COLLINS, 0000
DOUGLAS J. DAWSON, 0000
SERENA J. DIETRICH, 0000
DALE V. FERRIERE, 0000
DAVID M. GARDNER, 0000
DOUGLAS W. HEUGEL, 0000
BRIAN H. OFFORD, 0000
KEVIN J. OLD, 0000
CONRAD W. ZVARA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTOPHER D. ALEXANDER, 0000
LATICIA J. ARGENTI, 0000
WEBSTER D. BALDING, 0000
MATTHEW T. BELL, 0000
MELISSA BERT, 0000
MELVIN W. BOUBOULIS, 0000
WYMAN W. BRIGGS, 0000
JAMES M. CASH, 0000
PAULINE F. COOK, 0000
THOMAS E. CRABBS, 0000
JOHN T. DAVIS, 0000
SCOTT N. DECKER, 0000
JERRY D. DOHERTY, 0000
THOMAS H. FARRIS, 0000
JAMES O. FITTON, 0000
JOHN M. FITZGERALD, 0000
PAUL E. FRANKLIN, 0000
JOHN D. GALLAGHER, 0000
PETER W. GAUTIER, 0000
GLENN L. GEBELE, 0000
ANTHONY R. GENTILELLA, 0000
VERNE B. GIFFORD, 0000
NANCY R. GOODRIDGE, 0000
THOMAS C. HASTINGS, 0000
BEVERLY A. HAVLIK, 0000
WILLIAM G. HISHON, 0000
GWYN R. JOHNSON, 0000
ERIC C. JONES, 0000
WILLIAM G. KELLY, 0000
JOHN S. KENYON, 0000
JAMES L. KNIGHT, 0000
DONALD A. LACHANCE, 0000
ROGER R. LAFERRIERE, 0000
JOHN K. LITTLE, 0000
GORDON A. LOEBL, 0000
KEVIN E. LUNDAY, 0000
SEAN M. MAHONEY, 0000
DWIGHT T. MATHERS, 0000
STUART M. MERRILL, 0000
MICHAEL A. MOHN, 0000
FREDERICK G. MYER, 0000
JACK W. NIEMIEC, 0000
JOANNA M. NUNAN, 0000
SALVATORE G. PALMERI, 0000
JOHN J. PLUNKETT, 0000
ANTHONY POPIEL, 0000
RAYMOND W. PULVER, 0000
STEVEN J. REYNOLDS, 0000
MARK D. RIZZO, 0000
MATTHEW T. RUCKERT, 0000
JAMES W. SEBASTIAN, 0000

KEITH M. SMITH, 0000
MARC D. STEGMAN, 0000
GRAHAM S. STOWE, 0000
ROBERT J. TARANTINO, 0000
JOHN G. TURNER, 0000
KEITH J. TURRO, 0000
ANTHONY J. VOGT, 0000
SAMUEL WALKER, 0000
ROBERT B. WATTS, 0000
STEVEN A. WEIDEN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

FREDERICK M. ABRUZZO, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

WILLIAM W. DODSON, 0000

To be major

NICHOLAS MEXAS, 0000
DAVID A. NIEMIEC, 0000
JOHN R. SHAW, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

THOMAS E. MARCHIONDO, 0000

To be lieutenant colonel

KENNETH KLINE, 0000

To be major

KYUNG L. BOEN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID W. ASHLEY, 0000
PETER G. BAER, 0000
WILLIAM S. BAIR, 0000
RUTH P. BAKER, 0000
WALTER R. BALL, 0000
DAVID A. BECK, 0000
ROBERT C. BOLTON, 0000
WILLIE BRAGGS III, 0000
ROBERT T. BROOKS, JR., 0000
RANDY D. BUCKNER, 0000
PETER J. BYRNE, 0000
ANTHONY J. CARRELLI, 0000
CHARLES W. CHAPPUIS, 0000
JOEL A. CLARK, 0000
JAMES A. CONWAY, JR., 0000
RONALD G. COREY, 0000
MICHAEL E. CRADER, 0000
JIM A. CUMINGS, 0000
GREGG A. DAVIES, 0000
GEORGE M. DEGNON, 0000
PETER J. DEPATIE, 0000
THOMAS H. DOUGLAS, 0000
MARY S. DOWLING, 0000
DANIEL J. DUNBAR, 0000
HAROLD S. EGGENSPERGER, 0000
CLARENCE ERVIN, 0000
MARK T. FAVETTI, 0000
MICHAEL J. FEELEY, 0000
GREGORY R. FOURNIER, 0000
MATTHEW R. GODFREY, 0000
JOHN S. GOODWIN, 0000
JAMES E. GRANDY, 0000
JUDY M. GRIEGO, 0000
JOHN J. HERNANDEZ, 0000
EDWARD G. HERRERA, 0000
BARRY K. HOLDER, 0000
PAUL HUTCHINSON, 0000
CHARLES C. INGALLS, 0000
PAUL D. JACOBS, 0000
STEPHEN E. JESELNICK, 0000
PAUL D. JULIAN, 0000
ROBERT S. JUSTUS, 0000
WOODY R. KLINNER, JR., 0000
KENNETH L. KOBS, 0000
JAMES M. LEFAVOR, 0000
ROBERT P. LEMIEUX, 0000
CARLISLE A. LINCOLN III, 0000
MICHAEL J. LINDEMAN, 0000
ANDREW J. MAMROL, 0000
MURIEL A. MARSHALL, 0000
RICHARD L. MARTIN, 0000
STEVEN D. MARTIN, 0000
DONALD A. MCGREGOR, 0000
JUAN J. MEDINALAMELA, 0000
PETER A. MERCIER, 0000
BRIAN A. MILLER, 0000
MURRY MITTEN, 0000
BRIAN C. NEWBY, 0000
JOHN W. OGLE III, 0000
GERALD R. OSTERN, 0000
MATTHEW J. PAPE, 0000
ROBERT R. PETERSEN, 0000
WILLIAM S. PETTI, 0000
THOMAS POWERS, JR., 0000
ROY V. QUALLS, 0000
MARK J. RICHMAN, 0000
DAVID L. ROMUALD, 0000
MATHEW J. RULAND, 0000
CHRIS K. SAKAMOTO, 0000
LEIGH A. SCARBORO, 0000
NANCY L. SEETS, 0000
DAVID A. SIMON, 0000
MICHAEL P. SKOMROCK, 0000
CALVIN C. STARLIN, JR., 0000
TERRANCE C. STIFF, 0000
STEPHEN A. SUTHERLAND, 0000
GREGORY P. SWANSON, 0000
DEAN A. TREMPS, 0000
ERIC R. VOGT, 0000
JONATHAN T. WALL, 0000
THOMAS K. WARK, 0000
PATTY R. WILBANKS, 0000
MARC D. WILSON, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHAWN D. SMITH, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN D. ALLEN, 0000
MICHAEL R. CONNERS, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 18, 2007 withdrawing from further Senate consideration the following nomination:

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

HONORING MR. JACK HOLEFELDER

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise before you to honor Jack Holefelder on his retirement from presidency of the Delaware County Chamber of Commerce, a post he has held for the past 26 years. Mr. Holefelder has overseen an over 500% increase in chamber membership such that the chamber is now the third largest chamber in Pennsylvania. Over this period, the Delaware County Chamber of Commerce has twice won the Chamber of the Year award.

Along with his decades of exemplary leadership over the chamber, Mr. Holefelder has been an active member of the community. He has headed or been a member of numerous committee organizations including Chairman of the Delaware County Fair; Chairman of the Chester Housing Authority Advisory Board; Chairman of Red Cross, Heart Fund, Cancer Society, and March of Dimes fund raising; President of the Delaware County Education Foundation; Board Member of the Delaware County Hero Scholarship Fund; Board Member of the Southeastern Delaware County United Way; Board Member of the Delaware County Crime Commission; a member of the Neumann College Board of Trustees; and a coach in the Aston and Middletown Little League and Girl's Soccer league. He has raised over five million dollars for local charities and special projects.

Most impressive of all Mr. Holefelder's many achievements is his commitment to the Rotaplast International program. Since 2002, Mr. Holefelder has participated in three trips to Peru and one trip to India in support of that exceptional program. Dedicated to providing free reconstructive cleft-palate operations and treatment for children in need worldwide, Mr. Holefelder and his colleagues have been ambassadors of goodwill to hundreds of families who will never forget the life-changing nature of their kindness.

Mr. Holefelder is a published author, a TV and radio personality, and an entrepreneur. He is a recipient of the U.S. Air Force Commendation Medal for service in Vietnam, the Red Cross David Henderson Humanitarian Award, Glen Riddle Rotary Community Service Award, and March of Dimes Lifetime Achievement Award among numerous other awards and recognitions.

Madam Speaker, I ask you to join me in honoring Jack Holefelder, a pillar of the community and a man who represents the very best of the United States of America at home and abroad.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BERKLEY. Madam Speaker, because I was attending to important constituent matters in my congressional district, I was unable to vote on rollcall Nos. 865 and 866. Had I been present, I would have voted "aye."

SIKHS SHOULD NOT BE FORCED TO REMOVE TURBANS AT AIRPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. TOWNS. Madam Speaker, recently a Sikh named Dr. Ranbir Singh Sandhu was stopped at the San Francisco airport as he tried to board a flight and forced by agents of the Transportation Security Administration to take off his turban. Dr. Sandhu, who is around 80, was on his way to a funeral in Vancouver. He refused to take off his turban and was barred from the flight, forcing him to make a 20-hour drive to get to the funeral.

This is unacceptable. I certainly understand and support wanding the turban for security reasons in this day and age, but forcing a Sikh to remove his turban is an insult to his religious identity. TSA does not make Jewish passengers take off their yarmulkes and that is right. They shouldn't. But they require Sikhs to take off their turbans. That is unfair, discriminatory, and wrong.

Airport security is important. We were just reminded of that again by the passing of another anniversary of the September 11 attacks. But we must not let that be used as an excuse to violate the religious liberties or the civil rights of anyone. We should stop asking Sikhs to remove their turbans.

The Council of Khalistan recently wrote to President Bush, Homeland Security Secretary Chertoff, and the TSA Administrator, Kip Hawley, asking that this policy be changed.

SEPTEMBER 12, 2007.

Hon. MICHAEL CHERTOFF,
Secretary of Homeland Security,
Washington, DC.

DEAR SECRETARY CHERTOFF: I am writing to you today about the Transportation Safety Administration's practice of making Sikhs remove their turbans in order to travel. Recently, Dr. Ranbir Singh Sandhu of California, a retired engineering professor who is around 80 years old, was stopped at San Francisco International Airport on his way to Vancouver for a funeral. He was ordered by TSA security workers to remove his turban. When he refused he was not allowed to board his flight and he wound up having to drive 20 hours to Vancouver to get to the funeral.

Asking a Sikh to remove his turban in public is worse than asking someone to remove his pants in public. No one would even think of making such a request, yet the TSA thinks nothing of asking Sikhs to remove their turbans in public.

I salute TSA for not asking Jewish people to remove their yarmulkes in public. This is because they are religious symbols. Jewish people are required to wear them in public. By the same principle, Sikhs are required to wear their turbans. Wanding the turban should be enough and would be understandable in light of security concerns, but forcing a Sikh to remove his turban is unacceptable. It is a strike against his Sikh religion and his Sikh identity.

I respectfully but strongly urge you to take action to prevent what happened to Dr. Sandhu from happening to any other Sikh traveller. Please order the TSA workers to respect the religion and identity of Sikhs and not to force them to remove their turbans. Thank you for your attention to this matter.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

IN HONOR OF DR. ROBERT L. WRIGHT

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise to honor Dr. Robert L. Wright, as the Chattahoochee Council of the Boy Scouts of America's 2007 Distinguished Citizen Award recipient, which honors his outstanding service to the Columbus, Georgia community.

There is much to admire about a man like Dr. Wright. As one of the first African American men to attend the Ohio State University, Dr. Wright received a degree in optometry, and later began his optometry practice in Columbus. Then, in 1985, he founded Dimensions International, a defense logistics company, as a three person operation. Today, Dimensions has over 1,200 employees in more than 30 locations.

However, I believe Dr. Wright's sense of civic duty, which has been a running theme throughout his life, truly distinguishes him from his peers and makes him a man worthy of praise. He has fought for racial equality, serving as both a moderator and trail blazer in several organizations, including the Georgia Republican Party. He has served as a mentor to other minority small business owners and helped craft policy to aid their success, including serving as associate administrator for minority small business at the Small Business Administration under President Reagan. He also was on the planning committee to create the National Museum of African-American History and Culture in Washington, D.C.

Perhaps it is the many challenges Dr. Wright encountered as a young man, or perhaps it is his unwavering belief in human

achievement that drives him. No matter the source of his inspiration, I know the numerous organizations that have benefited from his service are extremely grateful.

Also, as someone who admires Dr. Wright greatly, I feel blessed to have known him. I am honored to call Dr. Wright a constituent, and friend. May our community and our country continue to benefit from his tremendous legacy of service.

TRIBUTE TO THE WASHINGTON FIRE COMPANY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise today to congratulate the Washington Fire Company No. 1 on the dedication of its firehouse and the housing of its equipment.

The station will be home to the fire company's new 2007 E-One Rescue Pumper as well as its 1999 E-One Ladder truck and its 1990 E-One Rescue Pumper. It will also house the pride and joy of the company, a beautiful, fully restored 1924 American LaFrance Pumper.

This new station is twice the size of the previous station, and will allow the members of the Company to more effectively protect the Borough of Conshohocken, which they have proudly served since 1874. From a small hose house 128 years ago to a new modern facility with a banquet hall, the Washington Fire Company has remained a staple of the Borough of Conshohocken.

The fire company's mission has expanded over time to include not only protecting the community, but also educating it. The company hosts an annual ''Fire Prevention Show'' that teaches the community about fire prevention and what to do in the case of a fire emergency.

The members of Washington Fire Company No. 1 selflessly serve the community while balancing their full-time careers and families. Through the years, their names and faces have changed, but the commitment and pride with which they serve the community has persevered. I ask everyone to join me in commending the members of the Washington Fire Company, past and present, and to congratulate them on the dedication of their new firehouse.

TRIBUTE TO SHERRY L. CART

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Sherry L. Cart, a dedicated woman with a long history of service to our country. Mrs. Cart, a resident of Brandenburg, Kentucky, is retiring on September 28, 2007 after thirty-three years of active federal service.

Sherry Cart began her civilian service career on January 2, 1974. She is retiring, as Deputy Protocol Officer, United States Army Armor Center, Fort Knox, Kentucky.

Mrs. Cart's hard work has not gone unnoticed during her time at Fort Knox. She was the recipient of the Commander's Award for Civilian Service along with numerous performance awards and service awards.

It is my privilege to honor Sherry L. Cart today, before the entire United States House of Representatives, for her service to the soldiers of Fort Knox, the United States Army, and this Nation. I wish Sherry, her husband Steve, and the rest of their family a safe and happy retirement.

ENERGY INDEPENDENCE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BERKLEY. Madam Speaker, last month this House approved landmark legislation to put our nation on the path toward energy independence. Among other provisions, this bill would provide incentives to encourage the production and use of renewable energy, and calls for greater energy efficiency in both public and private sectors.

When it comes to energy usage, my home town of Las Vegas has received more than its share of scrutiny. But I would like to share with my colleagues an example of how Las Vegas is leading the nation in the effort to become more energy efficient. The following is a response from MGM MIRAGE, the largest employer in my district and a good corporate citizen, to an accusation that the casinos of Las Vegas use too much energy. I would suggest to my colleagues that if more businesses would follow the lead of MGM MIRAGE, the impact on our nation's energy consumption would be substantial.

SEPTEMBER 17, 2007.

Hon. CANDICE MILLER,
228 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MILLER: We recently read reports of your comments regarding energy consumption by the Las Vegas gaming and tourism industry. We would like to share with you some of the initiatives that we are taking at MGM MIRAGE to reduce our energy impact in our state.

Currently, we are in the process of building the largest privately funded construction project in the history of our country. CityCenter, a 76 acre, mixed-use urban development in the heart of the Las Vegas Strip, will include 2,700 residences and a 4,000 room resort and casino. In keeping with our commitment of green building design and construction, CityCenter is being built according to Leadership in Energy and Environmental Design (LEED) certification standards. Once complete, it will be the largest green campus in the history of the United States.

The following is a list of some of the energy efficiency features being incorporated into CityCenter: CityCenter will have a highly efficient state of the art central plant with combined heat and power capability. This combined heat and power plant will utilize excess heat, reusing it for heating domestic water; Facades will have higher glazing to reduce air conditioning costs; ''Airbrows'' or ''shades'' on the façade will help to prevent overheating of units from direct sun; A docking station for the room key is being considered for some hotel rooms; when the key is removed most of the lights will shut down and thus conserve energy; The design maximizes the use of natural light in residential units, thus helping to reduce energy consumption; Most structures will have a reflective roof, also helping to reduce air-conditioning and therefore energy consumption.

In addition to these energy efficient features, we have taken many steps to also improve the efficiency of our existing buildings.

MGM MIRAGE recently implemented improvements in lighting technologies and mechanical equipment that will conserve 23 million kilo-watt hours annually; this is the equivalent of removing over 1,700 homes from the Las Vegas power grid.

The impact on air emissions by not having to produce this energy is equivalent to a reduction of approximately 17,000 tons of greenhouse gas per year; it would take about 500,000 trees to offset that amount of greenhouse gasses each year.

We are also working with the Rocky Mountain Institute (RMI), a not-for-profit think tank that assists companies in identifying and using energy and resources efficiently. The RMI will aid MGM MIRAGE in the development of a corporate strategy for alternative and renewable energy.

We also strive to work in a partnership with our local government in Nevada. Recently, our Senior Vice President of the Energy and Environmental Services Division, Cindy Ortega, was appointed by the Governor to serve on the Nevada's Climate Change Advisory Committee. In addition, we have recently been joined by Gary Mayo as our Vice President of Energy and Environmental Services Division. You might remember Gary in his former capacity as Director of Government Affairs and Corporate Responsibility for Visteon Corporation in Van Buren Township, Michigan.

MGM MIRAGE is committed to continue to demonstrate leadership in the areas of energy and water conservation. If you have any questions or would like additional information about CityCenter, or our efforts with regard to energy and natural resource conservation, please contact Robert Elliott, Vice President of Government Affairs.

Sincerely,

ROBERT ELLIOTT,
Vice President of Government Affairs,
MGM MIRAGE.

SONIA GANDHI SHOULD NOT SPEAK ON NONVIOLENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. TOWNS. Madam Speaker, I was distressed to learn that the United Nations invited Sonia Gandhi to speak on nonviolence next month. She is the leader of the Congress Party, which has presided over massive atrocities against Christians, Sikhs, Muslims, and other minorities.

Mrs. Gandhi is Catholic. How can she speak on nonviolence when her party presides over a country in which nuns have been raped and forced to drink their own urine, priests have been murdered, Christian schools have been burned to the ground, and prayer halls have been vandalized?

It was Mrs. Gandhi's party that carried out the Golden Temple massacre that killed so many thousands of innocent Sikhs, including young boys ages 8 to 13. Her party presided

over the Delhi massacres in which over 20,000 Sikhs were murdered while the Sikh police were locked in their barracks.

It was Beant Singh, a Congress Party Chief Minister, who presided over the murders of over 50,000 Sikhs while he was in office. No one from that party has the moral authority to speak on nonviolence, especially when there are so many better spokespersons, such as the Dalai Lama, who will be in America to receive an award right after Mrs. Gandhi's speech.

Madam Speaker, the Council of Khalistan wrote an excellent letter to UN Secretary General Ban Ki-moon, which follows.

COUNCIL OF KHALISTAN,
September 12, 2007.

Hon. BAN KI-MOON,
Secretary-General of the United Nations, Dag Hammerskjold Plaza, New York, NY.

DEAR SECRETARY GENERAL BAN: It has come to my attention that you are having Sonia Gandhi speak to the United Nations on nonviolence on October 2. Mrs. Gandhi has no moral standing to be discussing this subject. I urge you to find someone else. Perhaps the Dalai Lama, who will be in the United States the following weekend to receive an award, would be a good choice. There are other people more qualified than Mrs. Gandhi, as well.

How could you pick the head of India's Congress Party for this talk? India is one of the most violent countries in the world. According to the Punjab State Magistracy, over 250,000 Sikhs have been murdered at the hands of the Indian government. Between 1993 and 1995, according to the United States Department of State, the Indian government paid out over 41,000 cash bounties to police officers for killing Sikhs. A report by the Movement Against State Repression (MASR) reveals that over 52,000 Sikhs are being held as political prisoners without charge or trial. Some have been in illegal custody since 1984!

Amnesty International reports that tens of thousands of other minorities are being held as political prisoners as well. In addition, the regime has killed 300,000 Christians in Nagaland, more than 90,000 Kashmiri Muslims and tens of thousands of Muslims and Christians in the rest of the country, and tens of thousands of Assamese, Bodos, Dalits (the dark-skinned aboriginal people of South Asia, referred to as ''Untouchables''), Manipuris, Tamils, and others.

The Gandhi family were perhaps the most cruel of Indian rulers; it was Mrs. Gandhi's mother-in-law, Indira Gandhi, who suspended democracy and imposed martial law (dictatorship) on the country. It was the Congress Party under Indira Gandhi, then under Mrs. Gandhi's husband, Rajiv Gandhi, who succeeded Indira Gandhi as Prime Minister, that the government carried out the brutal attack on the Golden Temple in Amritsar, the center and seat of the Sikh religion, in June 1984, as well as 224 other Gurdwaras (Sikh places of worship) throughout Punjab. Sikh leaders Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and others, as well as over 20,000 Sikhs were killed in these attacks. The Sikh holy scripture, the Guru Granth Sahib, written in the time of the Sikh Gurus, was shot full of bullet holes by the Indian Army. Over 100 young Sikh boys ages 8 to 13 were taken out into the courtyard and asked if they supported Khalistan, the independent Sikh state. When they answered with the Sikh religious incantation ''Bole So Nihal'' they were summarily shot to death.

After Indira Gandhi was killed, Rajiv Gandhi said, ''When a tree falls, the Earth shakes.'' Then he locked the Sikh Police in their barracks while the government murdered another 20,000 Sikhs in Delhi and the surrounding areas in the massacres of November 1984. Sikhs were burned alive, Sikh businesses were burned, Sikhs were chained to trucks. The driver for Baba Charam Singh, a Sikh religious leader, was killed by tying his legs to jeeps which then drove off in different directions.

Sardar Jaswant Singh Khalra looked at the records of the cremation grounds at Patti, Tarn Taran, and Durgiana Mandar and documented at least 6,018 secret cremations of young Sikh men ages 20–30. These young Sikhs were arrested by the police, tortured, murdered, then declared unidentified and secretly cremated. Their bodies were not even returned to their families. They have never officially been accounted for. The Punjab Human Right Commission estimates that about 50,000 such secret cremations have occurred.

For exposing this horrendous atrocity, Sardar Khalra was abducted by the police on September 6, 1995 while he was washing his car, then murdered in police custody. The only witness to his kidnapping, Rajiv Singh Randhawa, has been repeatedly harassed by the police. Once he was arrested for trying to hand a petition to the then-British Home Minister, Jack Straw. in front of the Golden Temple in Amritsar.

Police SSP Swaran Singh Ghotna tortured and murdered Akal Takhl Jathedar Gurdev Singh Kaunke and has never been punished for doing so. K.P.S. Gill, who was responsible for the murders of over 150,000 Sikhs in his time as Director General of Police, is still walking around scot-free. He was even involved in leading the Indian Olympic field hockey team. His trip to the Atlanta Olympics in 1996 was protested by the Sikh community in the United States, which is over half a million strong, but he was allowed to come to the Olympics on an Olympic Committee visa. Immediately after the Olympic hockey game, he was shipped back to Punjab as a threat to peace and an affront to the Sikh community. 50 members of the U.S. Congress from both parties wrote to the President protesting his appearance in the United States.

Unfortunately, other minorities have also suffered greatly under the boot of Indian repression. In March 2002, 5,000 Muslims were killed in Gujarat while police were ordered to stand by and let the carnage happen, in an eerie parallel to the Delhi massacre of Sikhs in November 1984 in which Sikh police officers were locked in their barracks while the state-run television and radio called for more Sikh blood.

Christians have suffered under a wave of repression since Christmas 1998. An Australian missionary, Graham Staines, and his two young sons, ages 8 and 10, were burned to death while they slept in their jeep by a mob of Hindu militants connected with the Rashtriya Swayamsewak Sangh (RSS), an organization formed in support of the Fascists. The mob surrounded the burning jeep and chanted ''Victory to Hannuman,'' a Hindu god. None of the mob has ever been brought to justice; instead the crime has been blamed on one scapegoat. Mr. Staines's widow was thrown out of the country after the incident. An American missionary, Joseph Cooper of Pennsylvania, was expelled from India after being beaten so severely that he had to spend a week in the hospital. None of the persons responsible for beating Mr. Cooper has been prosecuted. Churches have been burned. Christian schools and prayer halls have been attacked and vandalized, priests have been murdered, nuns have been raped, all with impunity. Police broke up a Christian religious festival with gunfire.

Amnesty International has not been allowed into Punjab since 1978. Even Castro's Cuba has allowed Amnesty into the country more recently. What is India hiding?

My organization, the Council of Khalistan, is leading the Sikh struggle for freedom and sovereignty. Working with the Congress of the United States, we have internationalized the struggle for freedom for Sikhs and all the people of South Asia since the Council of Khalistan's inception on October 7, 1987, the day that the Sikh Nation declared its independence from India. We have worked to preserve the accurate history of the Sikhs and the repression of minorities by India by preserving the information in the Congressional Record. We continue to work for freedom for the Sikh Nation. Self-determination is the essence of democracy.

We cannot accept the leader of the Congress Party, the party that carried out the bulk of these atrocities, speaking to an organization like the United Nations on a subject like non-violence, especially when there are much better spokespersons available. I cannot urge you strongly enough to cancel this appearance.

Thank you in advance for your attention to this situation and helping the people of South Asia.

Sincerely,

DR. GURMIT, SINGH AULAKH,
President, Council of Khalistan.

HONORING MAJOR BERNARD PROCTOR, PHD

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, our Nation will soon commemorate the 230th Anniversary of the Battle of Brandywine. Let me take this opportunity to relate the importance of that battle, the largest land battle of the Revolutionary War, and to remember the brave soldiers who fought for the independence of our country.

In 1777, the British army campaigned to control Philadelphia, which was then the capital of the newly-declared United States of America. British General William Howe and his troops approached Philadelphia through the Chesapeake, landing in Elkton, Maryland in early September of that year.

American General George Washington was confident that his army would secure the capital city. On September 9, 1777, American troops were stationed along the Brandywine River, guarding the fords. Washington's strategy was to force a fight at Chadds Ford, where the Americans would have the advantage.

On September 9, a small portion of British troops marched from Kennett Square as if they would battle the Americans at Chadds Ford. However, the majority of British troops this time marched north to cross the river at a ford unknown to Washington and his army.

The battle began in the early morning on September 11. Washington, believing that all of Howe's army would fight at Chadds Ford, was unprepared when British troops arrived at the right flank of the American line. He ordered his troops to take the high ground, near the Birmingham Friends Meetinghouse to defend their position. However, British troops were already stationed nearby, and the Americans were unable to secure these grounds.

General Howe's army soundly defeated the Americans due to their superior position and

the surprise of their attack. By night, Washington's troops were forced to retreat to Chester.

Despite being outnumbered and outmaneuvered, Washington's troops fought valiantly. The American Congress was able to escape from Philadelphia to safety in Lancaster, and then York, PA. Military supplies were also removed from the capital city before the impending British takeover.

On September 26, 1777, British forces marched unopposed through the city of Philadelphia. This takeover proved of little strategic value, however.

Washington's troops regrouped. The General wrote to John Hancock that night, "Notwithstanding the misfortune of the day, I am happy to find the troops in good spirits; and I hope another time we shall compensate for the losses now sustained." Congress sent reinforcements, strengthening the American army.

Washington's troops successfully defended the military supplies in Reading. On June 18, 1778, British troops abandoned Philadelphia and the city returned to American control.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, September 17, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 3246; rollcall vote No. 867, I would have voted "aye" on H.R. 1657; rollcall vote No. 868, and I would have voted "aye" on H. Res. 3527; rollcall vote No. 869.

TRIBUTE TO MR. EDWARD "JACK" EUBANKS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Mr. Edward "Jack" Eubanks, a proud veteran and dedicated public servant. Mr. Eubanks, a resident of Elizabethtown, Kentucky, is retiring after 43 years of service to our country.

Mr. Eubanks served in the United States Army for 20 years and retired as sergeant first class. His military service included three overseas tours of duty, one being in Vietnam.

Upon his retirement from the Army, Mr. Eubanks joined the Federal civilian workforce at Fort Knox, Kentucky, serving most recently as Chief of Armor Center Protocol. During his 23 years of civilian work, he has been the recipient of the Superior Civilian Service Award twice, the Gold Medallion-Noble Patron of Armor, and the Kentucky Distinguished Service Medal.

It is my privilege to honor Jack Eubanks today, before the entire United States House of Representatives, for his service to his country. I wish Jack, and his wife Kathy a safe and happy retirement.

TRIBUTE TO SIR DAVID GEOFFREY MANNING

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. KING of New York. Madam Speaker, today I rise to recognize the remarkable and significant career of the distinguished British Ambassador to the United States, Sir David Geoffrey Manning. Ambassador Manning is stepping down from his post after 4 years of devoted service and I would like to commend him on his long service to the British Government and his vital contributions to the enduring relationship between the United States and the United Kingdom.

Ambassador Manning began his career as a civil servant in the Foreign and Commonwealth office in 1972, where he was posted in the Mexico/Central America Department. He then served in posts in Warsaw, New Delhi, and Paris. It was in 1990 that Sir David was appointed to the senior position of Counselor, Head of Chancery in Moscow. Ambassador Manning held this post from 1990 to 1993, during which time the fall of communism and the break-up of the former Soviet Union occurred.

In 1995, Ambassador Manning was named British Ambassador to Israel during the difficult period after the assassination of Israeli Prime Minister Yitzhak Rabin. He served in that post with distinction throughout his 3 years of service. In 2001, Sir David was appointed to head the UK delegation to NATO in Brussels, a post he held for 8 months until he was designated by Prime Minister Tony Blair to serve as his chief foreign policy adviser. It was in this capacity that he worked closely for Prime Minister Blair in the aftermath of September 11, 2001, and for the 2 years that followed. It was in this position that Ambassador Manning also developed a close working relationship with Secretary of State Condoleezza Rice, who at that time was serving as President Bush's national security adviser.

In September 2003, Ambassador Manning was appointed by Prime Minister Blair to be the British ambassador to the United States, the 40th ambassador to hold this post. In this position, Sir David has played an invaluable role in strengthening the uniquely close U.S.-UK alliance. Now after four years of service, he is leaving Washington and I want to take this opportunity to thank him for his distinguished service to the United Kingdom and for the friendship he has consistently shown toward the United States. I have appreciated my dealings with Ambassador Manning on a range of issues including the war against terrorism and the fulfillment of the Irish Peace Process. And on a personal level, my wife Rosemary and I have thoroughly enjoyed our relationship with Ambassador Manning and his wife Catherine.

Sir David, thank you for your impressive service and I wish you and Lady Catherine the best in all your future endeavors.

HONORING MR. CARL ULLRICH

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise before you to honor Carl Ullrich on his recent induction in the Army's Sports Hall of Fame and his lifetime of service to our Nation's young athletes and his service to our Nation both in U.S. Navy during World War II and in the U.S. Marine Corps during the Korean Conflict. Mr. Ullrich was the first civilian director of athletics at the Military Academy at West Point serving in that capacity from 1980 to 1990. He oversaw five winning football seasons, the program's first three bowl game appearances, and negotiated a deal to ensure the winner of the Commander in Chiefs Trophy was invited to a post-season bowl game.

Mr. Ullrich has a long career in mentoring and teaching our youth and young adults, starting in 1952 with a coaching position at the Friends Academy in New York and includes serving as a couch at Irvington High School and Newark Academy in New Jersey, freshman crew coach at Cornell University, varsity crew coach at Columbia University and Boston University, and as an assistant commandant at the Sanford Naval Academy. He served as athletic administrator at the Naval Academy for 11 years where he supervised the areas of admissions, counseling, recruiting, eligibility, Congressional liaison, and NCAA and AIAW policy, and coached the Navy varsity crew for 6 years, winning the Eastern Intercollegiate championship in 1971.

Additionally, Mr. Ullrich has served as athletic director of Western Michigan University, the President of the Metro Atlantic Athletic Conference, and in many capacities for the NCAA and ECAC. He has also served as the initial Executive Director of the Patriot League, and most recently as the Athletic Director of St. Andrews Presbyterian College. He was awarded the Eastern College Athletic Conference's James Lynah Distinguished Achievement Award in 1995 in recognition of his outstanding success in his career and his extraordinary contribution in the interest of intercollegiate athletics.

Mr. Ullrich served his country in active duty in both World War II and the Korean Conflict reaching the rank of Captain in the U.S. Marine Corps.

Madam Speaker, I ask you to join me in honoring Carl Ullrich, an inspiration to over five decades of this nation's young athletes and an exemplary role-model of service and dedication for them to follow.

TRIBUTE TO THE CUSIMANO FAMILY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to pay tribute to the Cusimano family as they and our community gather this month to celebrate the 50th anniversary of the Cusimano Family Colonial Mortuary.

The Cusimano Family Colonial Mortuary was founded in 1957 by Joseph and Sue

Cusimano in Mountain View, California, Joseph and Sue devoted their entire lives to the work of their business, and to the service of their community. For 50 years, Cusimano Family Colonial Mortuary has maintained a family-oriented approach to providing mortuary services to the community—a commitment that has been carried on by their children. In 1980, in recognition of the exemplary professional standards and extensive community involvement, the mortuary was invited to join the distinguished association of Selected Independent Funeral Homes.

Joseph and Sue lived their broad and continuing commitment to the service of their community—ranging from the Mortuary's 50-year sponsorship of the local Babe Ruth Little League team to Joseph's service as the Mayor of Mountain View. The generosity of the Cusimanos also extended beyond our community to others in need, as exemplified by their gift of children's caskets to the victims of the 1995 Oklahoma City tragedy.

Joseph and Sue bequeathed both their business and their sense of responsibility to their children. The Cusimano Family Colonial Mortuary is now managed by Matthew and Sherri, who have maintained the spirit of service and community participation that began with their parents 50 years ago. Madam Speaker, it is my honor to congratulate the Cusimano family as they celebrate this special anniversary.

IN HONOR OF VIOLET DE CRISTOFORO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. FARR. Madam Speaker, I rise today to recognize one of my district's most outstanding citizens, Violet de Cristoforo. Today, the National Endowment for the Arts will honor Mrs. de Cristoforo with a National Heritage Fellowship Award, our country's highest honor in folk and traditional arts.

Violet de Cristoforo was born Kazue Yamane in Ninole, Hawaii. At the age of 8 she was sent to Hiroshima, Japan for her primary education. Then at the age of 13 she returned to the United States to attend high school in Fresno, California. Upon her graduation Mrs. de Cristoforo married Shigaru Matsuda. It was also around this time that Mrs. de Cristoforo joined the Valley Ginsha Haiku Kai, a local haiku kais, or poetry club, and began focusing on the newer kaiko style that loosened haiku traditional 5–7–5 structure.

With the onset of WWII, Mrs. de Cristoforo, her husband and three children were moved to forced detention facility in Jerome, Arkansas. After her husband refused to complete a questionnaire, the family was split up; Mrs. de Cristoforo and her children were sent to Tule Lake, California, while her husband was sent to a detention facility in Santa Fe, New Mexico. While under forced internment, she wrote hundreds of haikus reflecting on her environment and everyday life in the camps. Sadly, only fifteen of the hundreds of haikus survived upon her release in 1946.

It is important that we recognize Mrs. de Cristoforo not only for her own haikus but for the hard work and dedication she contributed to the preservation, translation and publication of other haikus of the Japanese culture and life in the forced internment camps. Mrs. Cristoforo's own book, ''Poetic Reflections of the Tule Lake Internment Camp, 1944'' was published over 40 years after it was originally written. Years later Mrs. de Cristoforo compiled the haikus of many former internment camp poets and published, ''May Sky: There's Always Tomorrow: A History and Anthology of Haiku''. These poems are not just their history; they are part of our American history, because these people were also Americans.

It is sad that so few of these works survived that time, for not only were many lost in the camps but, prior to their forced detention when many of them were destroyed. At the time Mrs. de Cristoforo and her husband ran a small bookstore in Fresno. This material is forever lost which makes her work that much more important.

Madam Speaker, Violet Kazue de Cristoforo is truly deserving of our thanks and her recognition by the NEA with the National Heritage Fellowship Award is but a small token of appreciation for a lifetime of dedication and sacrifice.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. EHLERS, Madam Speaker, on rollcall No. 867, 868, and 869, I was delayed because my airplane was very late in reaching DCA, due to weather problems in Minneapolis, and I was too late for the votes.

Had I been present I would have Voted ''no'' on rollcall No. 867, H.R. 3246; ''yes'' on rollcalls No. 868 and 869, H.R. 1657 and H.R. 3527.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam speaker, unfortunately, I was unable to be present in the Capitol on Monday, September 17,2007 and was unable to cast votes on the House Floor that evening.

However, had I been present I would have voted ''aye'' on H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007; ''aye'' on H.R. 1657, a bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; and ''aye'' on H.R. 3527, a bill to extend for 2 months the authorities of the Overseas Private Investment Corporation.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, September 17, 2007, I was unable to cast my votes on H.R. 3246, H.R. 1657, and H.R. 3527.

Had I been present for rollcall No. 867 on suspending the rules and passing H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007, I would have voted ''nay.''

Had I been present for rollcall No. 868 on suspending the rules and passing H.R. 1657, to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs, I would have voted ''aye.''

Had I been present for rollcall No. 869 on H.R. 3527, to extend for two months the authorities of the Overseas Private Investment Corporation, I would have voted ''aye.''

VIETNAM HUMAN RIGHTS ACT OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 3096.

When the U.S. and Vietnam resumed diplomatic relations over 10 years ago, it was the hope of many Americans that by increasing economic ties with Vietnam, we would be a beacon of light that would shine on the human rights atrocities also occurring in Vietnam.

Despite increased U.S. relations, Vietnam has failed to protect the rights of its people. The Vietnamese government controls the press, suppressing the basic, core right of free speech that we as Americans hold to be so vital.

While maintaining fiscal relations with Vietnam is important for a plethora of reasons, the overriding consideration for the U.S. in any relationship with a foreign country should be in evaluating how a foreign country treats its own people. The Vietnamese Communist Party has failed the people of Vietnam, and we fail with them if we refuse to recognize the atrocities occurring every day.

This bill, the Vietnam Human Rights Act of 2007, is an important step in continuing to keep pressure on the Vietnamese Communist Party. As we have learned in addressing human rights issues in numerous countries throughout the world, one of the most effective methods of protecting the rights of others is to hit oppressive regimes where it counts—in their wallets.

Under H.R. 3096, Vietnam would face losing millions in non-humanitarian aid unless the president certifies that Vietnam begins releasing its political prisoners and protecting the basic rights of freedom of speech and freedom of religion—rights that we hold self-evident not

as Americans, but as human beings. At the same time, this legislation provides $2 million in humanitarian aid for the next 2 years, and $9.1 million in FY 2008 and $1.1 million in FY 2009 to overcome the jamming of Radio Free Asia. Providing access to this programming will help to empower the people of Vietnam and provide even more hope at a time when hope is most needed.

Today, over 1.5 million Vietnamese reside in the United States. In the 11th District of Virginia, the Vietnamese community is a thriving population, many of whom I am proud to call my friends and neighbors. Vietnamese Americans are entrepreneurs, many owning small businesses and serving as constant reminders that the American Dream is alive and well. Their loved ones in Vietnam deserve that same dream.

I commend my good friend from New Jersey and the other sponsors for bringing this bill to the floor, and I urge my colleagues to join me in the passage of this important resolution.

TRIBUTE TO THE BELIZE 26TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the 26th anniversary of the Independence of Belize, which will be on September 21, 2007.

On September 21, 1981, Belize became an independent nation within the Commonwealth of Nations, formerly British Commonwealth. Belize is located in South America and is a member of the Caribbean Community, also known as CARICOM.

Belize is an extraordinary country because of its people. Nowhere else in the world are people with diverse ethnicities and heritage so unified and harmonious. The country's population consists of people with Mayan, African, European, Afro-European, and Afro-Amerindian ancestry, just to name a few. In recent years, people of Asian descent have made Belize their home.

Due to globalization and other factors the world is getting smaller and smaller. It will be important for countries to be unified in order to interact politically, economically, and culturally within the world. Belize's diverse and unified characteristics can serve as a model to other nations struggling with internal conflict and peace.

I offer congratulations to the people of Belize as they celebrate their independence. I encourage people from all over the world to look to Belize for inspiration and hope for a better world.

TRIBUTE TO ZION EVANGELICAL AND REFORMED UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Zion Evangelical and Reformed United Church of Christ in Addieville, IL. One hundred years ago this past Saturday, the congregation of Zion Church of Christ set the cornerstone of their present church building. Contents of the cornerstone included, among other things, the church constitution, membership list, a catechism, songbook, and church calendar.

On May 31, 1908, the new church was finally completed. Over 3000 parishioners and spectators attended the dedication services, The magnificent edifice was erected at a cost of $23,000 dollars and was hailed in the Nashville Journal as the finest church in Washington County, IL.

But while a sturdy and beautiful building is a testament to the handiwork of the church's carpenters and craftsman—the success of the Zion Church over the course of a century is a living testament to the souls who fill the church pews. May God continue to bless the Zion Church for another hundred years.

TRIBUTE TO REV. DR. LARRY LOVEJOY AND JEAN CARLOTTA LOVEJOY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to two outstanding patriots in the Rio Grande Valley: Rev. Dr. Larry Lovejoy, and his wife, Jean Carlotta Lovejoy. They are very special people in our community and have greatly enriched our lives in south Texas.

Rev. Dr. Larry Lovejoy is a religious leader who uses simple human compassion, courage, and conviction to advocate for religious freedoms. He has worked diligently to make better the lives of both the American and Mexican people who populate the south Texas border community.

His tireless work with those who have less than many of us inspires people to trust him. They know he is working for the betterment of the community we all share.

He has promoted partnerships with the international community among the people of Brownsville, and has been instrumental in efforts to provide fresh clean water to the people living in colonias in Matamoros, Mexico. Colonias are poor, unincorporated neighborhoods outside of cities along the border.

He and his wife, Jean Carlotta Lovejoy, both helped coordinate efforts by the local business community and federal policy makers to a badly-needed new or additional postal facility for the rapidly-growing Brownsville community.

His wife, Jean, his partner in life and work, serves as the Postmaster for Brownsville, TX. She, too, works to improve the lives of everyday citizens in the border area of Texas, particularly the Rio Grande Valley area.

Jean has worked closely with the area food bank to secure food for the economically disadvantaged children of the community. Her efforts have resulted in underprivileged children being able to eat over the summer while out of school. This is an enormous effort on her part.

I ask the House of Representatives to join me today in commending these patriots who love this country and believe in the possibilities of all our citizens—all God's children—to participate in our community and our national life.

IN HONOR OF THE PUBLIC SERVICE OF NOREEN EGAN OF GLEN ROCK, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the tremendous public service of Noreen Egan of Glen Rock, New Jersey. For the past quarter of a century, Noreen has been the rock of the Glen Rock Volunteer Ambulance Corps.

A graduate of Holy Name Hospital School of Nursing and Seton Hall University, Noreen settled in Glen Rock with her husband, Tom, and has raised two sons there—Dan and Jamie. She soon became interested in using her nursing skills to help her community by joining the Glen Rock Volunteer Ambulance Corps. Over the years, she has not only been one of its most active members, Noreen has also served as its Chief and Lieutenant.

Earlier this year, Noreen was nominated by her fellow Corps members for the John R. Rinaldi Special Recognition Award given by the Bergen County Chapter of the 200 Club at their Annual Valor Awards luncheon in April 2007. The award is a highly competitive honor presented to one person each year for his or her outstanding contribution to emergency services. And later this year, the Glen Rock Ambulance Corps will honor Noreen for her 25 years of service at their annual installation dinner.

In addition to serving people in need through the Ambulance Corps, Noreen has also served the children of the Academy of Our Lady as their school nurse for the past 24 years. And, last year, she was appointed Assistant Director for the Glen Rock Office of Emergency Management.

Furthermore, Noreen and Tom Egan—a Vietnam War veteran and Commander of VFW Post 850 in Glen Rock—have cultivated a sense of community spirit and civic responsibility in their sons. Dan, who joined the Ambulance Corps with his mother when he was in high school, is now an emergency room doctor at St. Vincent's Hospital in New York and at Bergen County's own Valley Hospital. Jamie just completed a tour of Iraq as an Army Ranger. The Nation has achieved its greatness because of families like the Egans.

The Glen Rock Volunteer Ambulance Corps has served the people of Glen Rock for just over 50 years—almost half of that with the help of Noreen Egan. She and her colleagues are what make the words of the Ambulance Corps' slogan, ''Neighbor helping Neighbor,'' ring true.

THE RECOGNITION OF 25 YEARS OF SERVICE AWARDS FOR EMPLOYEES OF THE OFFICERS OF THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to congratulate and recognize outstanding employees of the Officers of the U.S. House of Representatives (Clerk of the House, Chief Administrative Officer, Inspector General, and Sergeant at Arms) who have completed 25 years or more of service to the U.S. House of Representatives.

In any organization, the most important resource is its dedicated employees, and without these employees, failure is certain. The employees we recognize today are acknowledged and commended for their hard work, contributions, and support of House Members, their staffs and constituents, and the overall operations of the House. These people have accomplished a great many things in a wide range of activities, and the House of Representatives, Members, staff, and the general public are better served because of them. The individuals we honor today have collectively provided 3,896 years of service to the U.S. House of Representatives:

Employee, officer, years of service: Maura P. Kelly, Clerk of the House, 50; Doris Boyd, Sergeant at Arms, 42; Ben J. Vann, Chief Administrative Officer, 40; Jerry L. Gallegos, Chief Administrative Officer, 40; Christine Stewart, Chief Administrative Officer, 38; Patricia A. Madson, Clerk of the House, 38; Gerald E. Bennett, Chief Administrative Officer, 38; James L. Newsome, Chief Administrative Officer, 37; Sue E. Dean, Clerk of the House, 36; Rodric J. Myers, Sergeant at Arms, 35; Deborah A. Bates, Chief Administrative Officer, 35; Janice L. Glosson, Clerk of the House, 35; Dane Stalbaum, Chief Administrative Officer, 35; Donna G. Downs, Clerk of the House, 34; Paul F. Lozito, Chief Administrative Officer, 34.

Bobby R. Small, Chief Administrative Officer, 34; H.D. Engel, Sergeant at Arms, 34; Lea Fowlie, Chief Administrative Officer, 33; Donald W. Reedy, Chief Administrative Officer, 33; Gloria J. Washington, Chief Administrative Officer, 33; Flora A. Posey, Chief Administrative Officer, 32; Caroline Klemp, Chief Administrative Officer, 32; Richard R. Villa, Sergeant at Arms, 32; Elliot C. Chabot, Chief Administrative Officer, 32; Elaine Comer, Chief Administrative Officer, 32; David J. First, Chief Administrative Officer, 32; Eric C. King, Chief Administrative Officer, 32; Daniel H. Ertel, Chief Administrative Officer, 32; William P. Sims, Sergeant at Arms, 32; George R. Cannon, Chief Administrative Officer, 32.

Karen F. Forriest, Sergeant at Arms, 32; Marion M. Pacic, Chief Administrative Officer, 32; Kelly D. Patrick, Sergeant at Arms, 32; Marie E. Higgs, Chief Administrative Officer, 31; Alice B. Bridges, Clerk of the House, 31; Sharyn B Alexander, Chief Administrative Officer, 31; Charles R. McCall, Jr., Clerk of the House, 31; Richard N. Hughes, Chief Administrative Officer, 31; Stanton Sechler, Chief Administrative Officer, 31; Wendell E. Twombly, Chief Administrative Officer, 31; Donald T. Kellaher, Sergeant at Arms, 31; Robert L. Stallings, Chief Administrative Officer, 31; Bridget A. Cox, Chief Administrative Officer, 31; Deborah M. Spriggs, Clerk of the House, 30; Vincent L. Marcum, Jr., Chief Administrative Officer, 30.

Charles D. Roche, Sergeant at Arms, 30; Stefan L. Rusnak, Chief Administrative Officer, 30; James M. Garrott, Chief Administrative Officer, 30; Joe D. Berg, Chief Administrative Officer, 30; Frank H. Jones, Chief Administrative Officer, 30; Newton B. Pendergraph, Chief Administrative Officer, 30; John P. Mooney, Chief Administrative Officer, 30; Trevera R. Jackson, Chief Administrative Officer, 30; Mark D. O'Sullivan, Clerk of the House, 30; Alessandro Cusati, Chief Administrative Officer, 30; Cathy J. Kell, Chief Administrative Officer, 30; Michael J. Arceneaux, Clerk of the House, 30; Peyton J. Jackson, Chief Administrative Officer, 29; Peggy C. Sampson, Clerk of the House, 29; John F. Kelliher, Sergeant at Arms, 29.

Jacqueline L. Hurda, Chief Administrative Officer, 29; Carnelius Thomas, Clerk of the House, 29; Michael K. Allen, Chief Administrative Officer, 29; Frederick J. Masheter, Jr., Chief Administrative Officer, 29; Arden Moser, Chief Administrative Officer, 29; Robert W. Warnick, Chief Administrative Officer, 29; John T. Lewis, Chief Administrative Officer, 29; Douglas C. Toms, Clerk of the House, 29; Ronny K. VanDyke, Chief Administrative Officer, 29; John T. Whitmyer, Chief Administrative Officer, 29; William M. Cox, Clerk of the House, 29; Pearl J. Mangrum, Chief Administrative Officer, 29; Lois A. Cortese, Chief Administrative Officer, 29; Thomas K. Hanrahan, Clerk of the House, 29; Stephen E. Pingeton, Clerk of the House, 29.

Joseph P. Coppa, Chief Administrative Officer, 29; Joseph A. Lee, Sergeant at Arms, 29; Matthew F. Cizek, Clerk of the House, 28; Patrica N. Smith, Clerk of the House, 28; Willie M. Roane, Chief Administrative Officer, 28; Teresa A. Rowe, Chief Administrative Officer, 28; Alfredda L. Horton, Chief Administrative Officer, 28; Cookie Clark-Henry, Sergeant at Arms, 28; Peter Shipman, Chief Administrative Officer, 28; Patrick H. Pettis, Sergeant at Arms, 28; Timothy A. Claggett, Chief Administrative Officer, 28; Horace E. Hamlin, Sergeant at Arms, 28; Russell A. Malone, Chief Administrative Officer, 27; Edwarda P. Moore, Chief Administrative Officer, 27; Alvin C. Thompson, Chief Administrative Officer, 27.

Lorraine C. Miller, Clerk of the House, 27; Louis A. Constantino, Sergeant at Arms, 27; Alfred R. Powers, Chief Administrative Officer, 27; Stephen P. Mathis, Chief Administrative Officer, 27; Ted Daniel, Sergeant at Arms, 27; Sheila L. Roscoe, Chief Administrative Officer, 27; David W. Roth, Clerk of the House, 27; Thomas D'Amico, Chief Administrative Officer, 27; John P. Long, Chief Administrative Officer, 27; Mary K. Niland, Clerk of the House, 27; Melissa K. Franger, Sergeant at Arms, 27; Patricia C. Nuzzo, Chief Administrative Officer, 27; Ronnie W. Reed, Chief Administrative Officer, 27; Nicarsia K. Mayes, Sergeant at Arms, 27; George D. Moore, Jr., Chief Administrative Officer, 27.

Willie C. Williams, Sergeant at Arms, 27; Sandra M. Rubio-Marrero, Chief Administrative Officer, 27; Kevin N. Chambers, Chief Administrative Officer, 27; Charles M. McGee, Clerk of the House, 26; Helene M. Flanagan, Chief Administrative Officer, 26; Frederick H. Bowles, Jr., Chief Administrative Officer, 26; Philip Melvin, Chief Administrative Officer, 26; Sandra F. Durham, Chief Administrative Officer, 26; Gail P. Davis, Chief Administrative Officer, 26; Anthony A. Thompson, Chief Administrative Officer, 26; Timothy W. Babcock, Chief Administrative Officer, 25; John M. Wright, Chief Administrative Officer, 25; Lewis L. Maiden III, Chief Administrative Officer, 25; John L. Carter, Jr., Chief Administrative Officer, 25; Jeanne M. Mershon, Sergeant at Arms, 25.

Roland S. Janifer, Chief Administrative Officer, 25; Janet H. DiMatteo, Chief Administrative Officer, 25; Bernestine Kea, Chief Administrative Officer, 25; Leslie D. Henderson, Chief Administrative Officer, 25; Floyd M. Johnson, Chief Administrative Officer, 25; Andrew W. Straughan, Chief Administrative Officer, 25; Thomas K. McGarry, Chief Administrative Officer, 25; Annette G. Brown, Chief Administrative Officer, 25; Su-Hwa Chang, Chief Administrative Officer, 25; Standley Brady, Sergeant at Arms, 25.

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers in particular. Their long hours and hard work are invaluable, and they have set an example for other employees to share in their dedication and commitment, and to follow in their footsteps. I celebrate our honorees and celebrate the importance of their public service.

RECOGNIZING REVEREND DOCTOR WALLACE S. HARTSFIELD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the great accomplishments of Reverend Doctor Wallace S. Hartsfield, Sr., a minister, dedicated community activist, civil servant, compassionate role model, and a member of the Fifth District of Missouri which I am deeply honored to represent. Reverend Hartsfield retires as Senior Pastor of the Metropolitan Missionary Baptist Church on January 1, 2008 after more than 40 years of service to Metropolitan and more than 55 years as a minister of God. He will be succeeded by his son, Dr. Wallace S. Hartsfield II.

Our community also rises on this occasion to honor his civic contribution in the renaming of the Parkway Post Office in an area he serves. This is a fitting tribute to Reverend Hartsfield whose legacy continues in his ministry, teachings, and goodwill. The Post Office building, whose new designation will officially bear his name, will celebrate Reverend Hartsfield's spirit and leadership at 4320 Blue Parkway, Kansas City, Missouri 64130.

Reverend Hartsfield was an only child, born to the late Ruby Morrissette in Atlanta, Georgia, on November 12, 1929. He served a 3-year tour of duty with the United States Army before receiving a bachelor of arts degree from Clark College in Atlanta, now Clark Atlanta University, in 1954. He went on to earn a master of divinity degree from Gammon

Theological Seminary, now the Interdenominational Theological Center, in 1957, also located in Atlanta. He holds many honorary degrees, including a doctor of divinity degree from both Western Baptist Bible College in Kansas City, Missouri and from Virginia Seminary and College of Lyncher, Virginia. His first pastorate was in Pickens, South Carolina. He later served in Wichita, Kansas; Barstow, Florida; and Brunswick, Georgia. As a scholastic theologian, Rev. Hartsfield serves on the board of directors at the Morehouse School of Religion in Atlanta, Georgia, in addition to serving as an adjunct professor of the Central Baptist Theological Seminary in Kansas City, Kansas. He is affectionately referred to as the ''Dean of Kansas City's ministers'' by all denominations. A friend and honored minister, I have dubbed Dr. Hartsfield the ''Godfather of Preachers'' because of his vast ministerial knowledge and oratorical skills.

Reverend Hartsfield celebrated his 50th wedding anniversary with his wife Matilda Hopkins on August 28. They are the proud parents of four children, Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

Shining brightly as an example of unwavering open-mindedness, commitment, and heartfelt participation within his national community, Reverend Hartsfield has revealed himself as the quintessential citizen of both our American and world populations. The honor owed to this great leader and devoted man of profound faith reaches beyond our local, state, and national levels and touches our wider international community, just as he has sought to touch all of those he has met wherever he goes. He has fought tirelessly to promote, protect, and ensure civil rights and civil liberties for African Americans and other minorities throughout our great nation during its most shameful hours of injustice. He remains a member of the Alpha Phi Alpha Fraternity, Inc., the first intercollegiate Greek-letter fraternity created for African Americans. As a prolific and dynamic speaker, he has often been asked to serve as a guest speaker for lectures at colleges, universities, and seminaries locally and internationally, including as far from home as Australia. In 2006, he was selected as a member of an inter-denominational group and met with Turkish officials to tour the country and broaden international faith and community relations.

In many diverse capacities, Reverend Hartsfield has guided his broader, national faith community throughout the entirety of his devotion as a minister. He is a former chairman of the Congress of National Black Churches, representing over 65,000 churches with over 20 million members. Within the National Baptist Convention of America, Inc., he served as a member on the Foreign Mission Board, was secretary and treasurer of the Benevolent Board and Insurance Commission, is a former chairman of its Economic Development Commission, is former second vice president, and is currently vice president at-large under the leadership of Dr. Stephen J. Thurston.

Our greater Kansas City and Missouri communities stand stronger having been both blessed with and built upon by a cornerstone as unshakable and committed as Reverend Hartsfield. He was at the forefront of successful efforts to construct low income, 60 unit housing developments known as the Metropolitan Homes, located near the Linwood Shopping Center, the creation of which is also due largely to the encouragement of Reverend Hartsfield. Furthermore, he served as president of the Baptist Ministers Union, an influential organizer for the Concerned Clergy Association, and a moderator for the Sunshine District Association. Appointed by the Governor, Reverend Hartsfield served as commissioner on the Missouri Highway Commission. He was also president of the Greater Kansas City Chapter of Operation PUSH, an organization dedicated to the promotion of religious and social development and human rights.

While his long list of accolades helps detail his many great talents and achievements, it remains only a small sampling if one tries to understand the deeply positive and vast impact Reverend Hartsfield has so generously imparted to his neighbors. He is named ''One of the Top 50 Ministers in America'' by Upscale magazine of Atlanta, Georgia. As a local minister, he has received the One Hundred Most Influential Award from the K.C. Globe newspaper, the Greater Kansas City Image Award from the Urban League, and the Minister of the Year Award from the Baptist Ministers Union of Kansas City. As a public servant, a role inexorably intertwined with his role as a minister, he received the Public Service Award from the Ad Hoc Group Against Crime, the Role Model for Youth Award from Penn Valley Community College, and the Community Service Award from the city of Kansas City, Missouri, to name only a few.

Having personally been influenced and encouraged by his generosity, compassion, and myriad successful endeavors throughout his career, I find it among the greatest honors and opportunities to acknowledge and celebrate the great victories of Reverend Hartsfield as he prepares to enjoy the next stage of his life, retirement from the vocation of compassion he so joyously fills and will continue to fulfill in a new capacity.

Madam Speaker, please join me in expressing our appreciation to my dear friend, Reverend Doctor Wallace S. Hartsfield, Sr., for his loving ministry and limitless dedication to serving the residents of Kansas City, the State of Missouri, and the worldwide community. Strong, sustainable societies are built upon a foundation of goodness and devotion. It is our hometown heroes, like Reverend Hartsfield, the hallowed and benevolent, who ensure the longevity of, and strengthen, our free and democratic way of life. May God continue to bless Reverend Hartsfield as he embarks upon a new journey of embracing and improving the lives around him.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SHAYS. Madam Speaker, on September 17, 2007, my flight to Washington from New York was delayed and I missed 3 recorded votes.

I take my voting responsibility very seriously and had I been present, I would have voted ''no'' on recorded vote No. 867, ''yes'' on recorded vote 868, and ''yes'' on recorded vote 869.

IN HONOR OF JUSTICE WILLIAM E. MCANULTY, JR.

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. YARMUTH. Madam Speaker, I rise to salute the life of a good friend and great public servant. William E. McAnulty, Jr., lost his battle with lung cancer on August 23. His passing marks the culmination of an incredible life: the son of an Indiana mailman became the first African American to be elected to the Kentucky Supreme Court.

He will be missed not only by his wonderful family—wife Kristi, sons Patrick and William III, daughters Katheryn and Shannon, and father William E. McAnulty—but by legions of friends and admirers who loved him for his incredible wit, his lively intelligence, and his unwavering commitment to justice throughout society.

Bill, or Judge Mac as he was belovedly known, was born in Indianapolis in 1947. He received his B.A. from Indiana University and both his masters and J.D. degrees from the University of Louisville. He was first elected to the bench in 1975 as a judge in Jefferson County Juvenile Court. Two years later he was elected to the Jefferson County District Court, and then he was selected by Kentucky Governor John Y. Brown, Jr., to serve as Secretary of the Justice Cabinet in 1980.

Following his service in Frankfort, Bill was once again elected to the bench, this time to the Jefferson Circuit Court, where he served until 1998, when he became the first African American to be elected to the Kentucky Court of Appeals.

In June, 2006, McAnulty was appointed by Governor Ernie Fletcher to succeed Justice Martin E. Johnstone, who was retiring. Then last fall, he was elected to that post. While he tried to play down the significance of being the first African American to serve on the Supreme Court, he was well aware of what his accomplishment meant. Upon his swearing in, he said that other African Americans ''will understand this door is open and they are able like any other lawyer or judge to enter.''

But McAnulty was not like any other lawyer or judge. He was universally recognized and applauded for his fairness, his patience, and his disarming sense of humor. When he learned that he had cancer that had spread to his brain and was to undergo surgery, he said his only fear was that he would ''wake up as Clarence Thomas or a UK fan.''

Justice McAnulty was frequently the recipient of professional honors, including the Henry V. Pennington Outstanding Judge of the Year in 1997, awarded by the Kentucky Trial Attorneys.

Unfortunately, no simple biography can adequately describe the person under the black robe. Bill was one of those rare individuals who was equally comfortable with princes and paupers, and who never thought about the difference. I was fortunate to know him for more than 25 years, and most recently, as we both campaigned last year, I saw firsthand how deeply he cared about the least among us, and how steadfast was his commitment to combat injustice wherever he saw it.

I know he would have seen some kind of cosmic irony in the fact that his crowning

achievement would have ended so quickly, but while his tenure on the Kentucky Supreme Court was short, his legacy to Kentucky justice will endure forever.

INTRODUCTION OF SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT FINALIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. YOUNG of Alaska. Madam Speaker, I, along with my distinguished colleagues, Mr. PALLONE, Mr. KENNEDY, Mr. ABERCROMBIE and Mr. FALEOMAVAEGA, introduce today the Southeast Alaska Native Land Entitlement Finalization Act. This legislation will redress the inequitable treatment of the Native Regional Corporation for Southeast Alaska—Sealaska Corporation—by allowing it to select its remaining land entitlement under Section 14 of the Alaska Native Claims Settlement Act, ANCSA, from designated Federal land in Southeast Alaska.

Congress enacted ANCSA in 1971 to recognize and settle the aboriginal claims of Alaska Natives to the lands that Alaska Natives had used since time immemorial for traditional, cultural, and spiritual purposes. ANCSA allocated 44 million acres and nearly $1 billion to Alaska's Native people, to be managed by the 12 Regional Corporations, including Sealaska, and more than 200 Village Corporations. While Sealaska is one of the Regional Corporations with the largest number of Native shareholders, with 21 percent of all original Native shareholders, Sealaska received the smallest Regional Corporation land settlement—less than 1 percent of the total of all ANCSA lands.

ANCSA declared that the land settlement "should be accomplished rapidly, with certainty [and] in conformity with the real economic and social needs of [Alaska] Natives . . ." However, after more than 35 years since the passage of ANSCA, Sealaska has still not received conveyance of its full land entitlement. As a result of its small land entitlement, it is critical that Sealaska complete its remaining land entitlement under ANCSA in order to continue to meet the economic, social and cultural needs of its Native shareholders, and of the Native community throughout Alaska.

The Bureau of Land Management projects that Sealaska is entitled to receive between 355,000 and 375,000 acres pursuant to ANCSA. To date, 35+ years after ANCSA's enactment, Sealaska has secured conveyance of 290,000 acres. Accordingly, there are up to 85,000 acres remaining to be conveyed. ANCSA, however, limits Sealaska land selections to withdrawal areas surrounding certain Native villages in Southeast Alaska. The problem is that there are no lands remaining in these withdrawal areas that meet Sealaska's traditional, cultural, historic, or socioeconomic needs, and certain of those lands should more appropriately remain in public ownership. The selection limitations preclude Sealaska from to using any of its remaining ANCSA land settlement to select places of sacred, cultural, traditional, and historic significance located outside the withdrawal areas that are critical to facilitate the perpetuation and preservation of Alaska Native culture and history. Moreover, selection from the withdrawal areas would not allow Sealaska to meet the purposes of ANCSA—to create continued economic opportunities for the Native people of Southeast Alaska. Further, more than 40 percent of the original withdrawal areas are salt water and, therefore, not available for selection.

Despite the small land base in comparison to all other Regional Corporations, Sealaska has provided significant economic benefits to not only Sealaska Native shareholders, but also to the other Native Corporations throughout Alaska. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes considerable revenues derived from its development of its natural resources—more than $300 million between 1971 and 2005—to the other Native Corporations. Unless it is allowed to select land outside of the designated withdrawal areas, Sealaska will not be able to select land that would allow it to maintain its existing resource development and management operations, or provide continued economic opportunities for the Native people of Southeast Alaska and economic benefits to the broader Alaska Native community through the revenue sharing requirements under ANCSA.

The legislation presents a solution that would allow Sealaska to complete the conveyance of its land entitlement and enable the Federal Government to complete its statutory obligation to the Natives of Southeast Alaska, as promised under ANCSA. The elements of the legislation include the following:

Sealaska would be authorized to select its remaining ANCSA land entitlement from a pool of land outside the existing withdrawal areas established in ANCSA, a majority of which is on existing forest service roads which has second-growth timber land.

Sealaska would be authorized to use a majority of its remaining entitlement for economic development opportunities that would benefit its shareholders, the Southeast Alaska economy, and Native shareholders throughout Alaska.

The legislation would also allow Sealaska to use a portion of its remaining entitlement for sites with sacred, cultural, traditional, or historic significance and for remote Native Enterprise sites with traditional and recreational use value.

The legislation would allow the lands remaining in the withdrawal areas to remain in public ownership, almost all of which are roadless areas, old-growth timber lands, or land with important public interest value.

I thank my colleagues and urge your support for this important legislation for the Native people of Southeast Alaska.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. CARSON. Madam Speaker, on Monday, September 17, 2007, I was unable to vote on rollcall Nos. 867, 868, and 869. Had I been present, I would have voted "yes" on each of these measures.

FRIDAY NIGHT LIGHTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. POE. Madam Speaker, according to Darrel Royal, there are only two sports in Texas—football and spring football. In coffee shops, barber shops and even in the beauty salons all across Texas, the talk is all the same—how's the team gonna be this year? It's that time of year, a time that folks in Texas and across the south prepare for all year long. Football in Texas is its own religion, where even your preacher cuts the sermon short on Sundays to get you home in time to watch the game. Nowhere else on earth will you find a culture so wrapped up in football like we are in Texas.

Proud Texans naturally believe everything is bigger and better in Texas—and that's because it is. And like most fathers, I am a proud dad. My son Kurt started playing football when he was 8 years old and I have watched him play every game from pee-wee football in Humble, Texas until he took the field wearing the purple and white of my alma mater, Abilene Christian University.

Throughout school, Kurt played quarterback. Quarterback is one of those positions that is tough on parents—it's all the frame or all the blame. Every time I saw him take the field wearing number 3, I saw that same little 8-year-old boy full of determination. It was that very determination that led to him walking on at ACU and earning a spot as a safety and becoming an Academic All Conference player. With this new position, came a new prayer for the Poe family. The word "interception" took on a whole new meaning for us.

I was a judge during that time and I would head out on Friday nights after court and drive all night to towns such as Kingsville, Canyon, Wichita Falls, Commerce, Las Cruces, New Mexico, and Ada, Oklahoma, and of course, Abilene, to get there for Saturday's game. There is nothing more fun that being in a stadium on that first crisp fall weekend and seeing your team, and your son, take the field to thousands of college fans chanting: W–I–L–D–C–A–T–S, purple, white, purple, white, fight, fight, fight!

Texas football is that of legend and legacy. It has spawned books, movies, and a TV series. A look into a way of life that is so unique, so Texan. It's the Junction Boys, the Tyler Rose, the last minute touchdown run by Vince Young of Texas against USC in the Rose Bowl National Championship game—I was there by the way with my son Kurt. What a game. What a memory.

Yes, Texans love their football—right down to the names they choose for their children to the cars they buy. I am sure there is some big executive up in Detroit wondering why they have to send so many maroon pickups to Texas. We may not have too many fall weddings on Saturdays, because they conflict with college football, but I am willing to bet that you have been to a wedding where the new Mr. and Mrs. took off down the aisle to the "Eyes of Texas" or got a big "Whoop!" after the preacher declared them husband and wife.

Now I am not one to say that we don't love our Texans and Cowboys. A smile still comes across my face when I think of the Astrodome

and those Luv Ya Blue days. But, professional football today just doesn't have that same thrill and excitement anymore. Sure, maybe up North it does since they don't have high school stadiums that hold 15,000 people, field turf, jumbotrons and the caliber of coaches and players we have in Texas.

But it's not just the facilities, what makes the game so special is the atmosphere of it all. It's the band, the drill team, the cheerleaders, the moms selling T-shirts, the school clubs hanging banners—the whole atmosphere is what makes the game great. The whole community comes together, people from all walks of life get together every weekend and share in the tears and cheers and root for their team to victory.

So this weekend and every weekend in the fall, Texas families put on school colors and head to the game. They grab some hot dogs and a coke and take part in one of Texas's finest traditions. You see some of those folks that you went to high school with and some of the same old guys sitting in the same seats they were in 20–30 years ago. The players, the coaches, the trainers, the cheerleaders, the drill team and all those people that volunteer their time to support the kids are all part of the excitement. Football in Texas is something special. It's the Texas Religion.

And That's Just the Way It Is.

TRIBUTE TO CAPTAIN NICK ANDRYUK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and gratitude that I stand before you today to recognize one of northwest Indiana's most dedicated, distinguished, and honorable citizens, Captain Nick Andryuk. I have known Nick for many years, and he is one of the most passionate and involved citizens that I have ever known, especially when it comes to serving his country and to serving the young men and women of the First Congressional District. Since the mid–1970's, Nick has served the youth of the First Congressional District. Since 1985, he has done so as a member of my Military Academy Board. During this time, Nick has been a constant source of knowledge and insight for students interested in attending the Merchant Marine Academy and all other military academies. Recently, Nick informed me that he will be leaving northwest Indiana and relocating to Texas.

Nick Andryuk was born and raised in Brooklyn, NY. Following his graduation from Brooklyn Technical High School in 1974, where he studied structural design, Nick chose to attend the United States Merchant Marine Academy, where he earned a bachelor of science degree in marine engineering with a minor in nuclear engineering. Upon his graduation, Nick was commissioned as an ensign in the Naval Reserves, specializing in surface warfare. Always seeking to broaden his horizons, Nick would continue his educational and occupational pursuits over the years to amass an impressive résumé, which includes a master's degree in business administration from Indiana University Northwest and a Professional Engineering License from the State of Indiana.

During his time in the Naval Reserves, Nick held various positions, including: administration officer, training officer, executive officer, and eight additional commanding officer positions. In 1985, Nick was named an engineering duty officer, and finally, in 1995, he was promoted to the esteemed rank of captain. While serving in his capacity as a captain, a position he held until his retirement from the Navy Reserves in June 2004, Nick also served as an explosive safety chief inspector.

While he has served his country and community in various capacities throughout his lifetime, Nick came to be known for not only his wisdom and his willingness to serve others, but also for his strong work ethic, a trait he undoubtedly developed during his career at Inland Steel, later Ispat Inland Steel. For over 26 years, Nick served in capacities ranging from assistant engineer to section manager. Following his retirement from Ispat Inland Steel in 2001, he went on to work as a project manager and engineering consultant with Superior Engineering from 2001 to 2007. In September 2007, Nick accepted a position as vice-president of operations with Zimmerman and Jansen, a company located in Humble, Texas. While he will surely be missed in northwest Indiana, his efforts and the impact he has had on the lives of many students in the First Congressional District are to be admired. I am sure Nick will continue to share his vast knowledge with prospective academy students in his new location, and I wish him well on his endeavors.

Madam Speaker, Captain Nick Andryuk is a friend who has selflessly given his time and efforts to the young men and women of the First Congressional District, and he has served his country with the utmost eagerness and dedication as a member of the Armed Forces. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication, and I ask that you join me in wishing him the best of success, health, and happiness in the years to come.

INTRODUCTION OF THE TURN-ABOUT RANCH IN GARFIELD COUNTY, UTAH, BILL

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. MATHESON. Madam Speaker, I rise today to introduce legislation that would correct a drafting error that involves a 25-acre parcel of Bureau of Land Management (BLM) land, and land that is part of the Turn-About Ranch, which rehabilitates troubled youth.

An erroneous survey in January 1999 was the cause of this trespass conflict when Congress approved a major land exchange (P.L. 105–335) between the state of Utah and the border of the Grand Staircase Escalante (GSE) Monument. This legislation makes a minor boundary change to resolve the trespass conflict. It would grant the owners of the ranch the right to purchase the erroneously surveyed land at a fair market value, enabling this important and effective program for troublesome youth to continue unimpeded.

The Turn-About Ranch has graduated approximately 500 troubled and at-risk teenagers through an intense program of training and rehabilitation. The ranch also employs about 35 Garfield County residents. The Turn-About Ranch has strong support from the local community, and the Garfield County Commission, as well as approval from the parents of the troubled youth.

The government-owned land administered by the BLM surrounds the congressional action by passing this legislation in Congress. The land was historically used for agriculture and grazing purposes. The Townsend family purchased the ranch and then leased the land to the Turn-About Ranch, Inc., for the sole purpose of rehabilitating the troubled youth, and restoring the values and self-esteem of these wayward teens.

Madam Speaker, this legislation is a fair resolution to a technical problem. The Senate Energy Committee staff has expressed support for solving the problem, and the community is eager for this legislation to be passed. I hope Congress can implement this legislation and resolve this problem to continue helping our troubled adolescent teens.

INTRODUCTION FOR H.R. 3565, REQUIRING RATE INTEGRATION FOR WIRELESS COMMUNICATIONS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BORDALLO. Madam Speaker, I rise today to reintroduce legislation that will require rate integration for wireless interstate toll charges. Specifically, this legislation, H.R. 3565, would amend Section 254(g) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to provide for rate integration of wireless long distance service within the United States, including the territories. This legislation, if enacted, would require uniformity in rates charged by cellular phone and other wireless service providers for calls and communications to and from Guam within the United States.

Section 254(g) directs the Federal Communications Commission (FCC) "to adopt rules to require that the rates charged by providers of interexchange telecommunication services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas."

Pursuant to Section 254(g), the FCC promulgated a regulation (FCC Order 98–347) to cover Commercial Mobile Radio Services (CMRS) as an interexchange service. CMRS includes Personal Communications Service (PCS) and cellular services. In defense of their Order, the FCC noted that "if Congress had intended to exempt CMRS providers, it presumably would have done so expressly as it had done in other sections of the [1996 Telecommunications] Act."

The United States Court of Appeals for the District of Columbia Circuit, however, subsequently vacated FCC Order 98–347, by ruling that interexchange telecommunication services do not encompass CMRS. In its ruling, the Court cited the phrase "interexchange telecommunications service" contained in Section 254(g). Since wireless telecommunications

technically do not use exchanges, the Court held that "it is by no means obvious that the Congress, when it used a phrase in which the word 'interexchange' is an essential term, was referring to CMRS."

It is, therefore, unclear from the language of the statute whether section 254 applies to wireless services. Section 254 does not include specific language regarding its applicability to wireless services. Nor does it specifically exclude such services. Moreover, the legislative history of Section 254(g) is not instructive as to Congress' intent regarding the applicability of the rate integration requirement to wireless services.

Ambiguity in the law therefore exists. As a result, cellular customers are subject to varying rates for calls made within the United States. This is particularly evident with respect to rates assessed to calls made to Guam and to the other U.S. territories under service plans offered to cellular customers within the 48 contiguous states of the United States. Again, the Telecommunications Act of 1996 requires rate integration for noncellular, landline communication services. The legislation that I have reintroduced today would simply extend this same requirement to wireless communications.

Rate integration for wireless interstate toll charges is important to businesses and individuals located on the U.S. mainland who engage in regular and reoccurring voice communication with other businesses and contacts located in the offshore territories. Family members and friends are among the customers who are assessed higher and different rates for cellular calls made to Guam or to the other territories. These differences in wireless rates exist despite the fact that the U.S. territories are included in the North American Numbering Plan, the numbering plan for the Public Switched Telephone Network of the United States.

This legislation would bring the uniformity and fairness in rates desired by those consumers located on Guam who aim to keep in regular contact with relatives, friends, and associates who reside in other parts of the United States through the latest technology. Additionally, as technology in telecommunication advances, laws should be updated and developed to keep pace. This legislation would update existing law to take into account advances in and the popularity of wireless telecommunications since enactment of the Telecommunications Act of 1996. The legislation would do so in a manner consistent with both a previous, but vacated, FCC Order and with rate integration requirements applied to other more traditional telecommunication technology.

I look forward to addressing the issue of rate integration for wireless services as part of any legislative effort to reauthorize the Telecommunications Act of 1996.

INTRODUCING A RESOLUTION TO HONOR BARRINGTON IRVING

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today with my good friend Congressman KENDRICK MEEK to introduce legislation to honor the achievements of Captain Antonio Barrington Irving, the youngest pilot and first person of African descent to fly solo around the world. The historic achievements of this dedicated young man are worthy of the utmost respect and recognition by this great Congress. I urge my colleagues to join me in commemorating his achievement and encouraging youth to pursue careers in aviation.

Barrington Irving was born in Kingston, Jamaica in 1983 and soon after moved to Miami, FL. When Irving was 15 years old, he met Captain Gary Robinson, a Jamaican airline pilot who invited Irving to tour a Boeing 777. After this inspirational experience, Captain Robinson became a lifelong mentor, inspiring Irving to fly one day himself. Enduring the challenges of growing up in inner-city Miami, Irving never let his dreams of becoming a pilot be stifled. Irving worked miscellaneous jobs to save for lessons and diligently practiced on a home computer flight simulator. Irving also volunteered quite frequently in his community and eventually earned a joint Air Force/Florida Memorial University Flight Awareness Scholarship to study aviation and take professional flying lessons.

Madam Speaker, Irving took tremendous steps to pursue his dreams in aviation while still a student at Florida Memorial University. In 2003, he contacted companies, including the aircraft manufacturer Columbia, which agreed to provide him with a plane to fly around the world if he could secure donations and components. Over several years, Irving visited aviation trade shows throughout the country and secured more than $300,000 in cash and donated components for a Columbia 400, one of the world's fastest single-engine piston airplanes.

On March 23, 2007, Irving embarked from Miami, FL, on a 24,600-mile flight around the world in an airplane named "Inspiration." He was 23 years of age while still a senior majoring in aerospace at Florida Memorial University at the time. Irving traveled the world as an ambassador of aviation, teaching young people in 27 cities about opportunities in aviation and the importance of academics. He returned from his journey on June 27, 2007, concluding his flight in Miami, FL.

Impressively, even before his around the world flight, Irving founded the non-profit organization Experience Aviation, Inc. to address the significant shortage of youth pursuing careers in aviation and aerospace. This nonprofit has been extremely effective in garnering widespread community support and sponsorship to expose youth and underrepresented groups to opportunities in aviation. Irving continues to be dedicated to his community after his around the world flight and tirelessly works to inspire those around him to reach for their dreams.

Madam Speaker, this young man embodies the perseverance and dedication necessary to truly pursue one's dreams. Barrington Irving realized those aspirations and deserves acknowledgement for continuing to inspire so many. I urge my colleagues' support for this resolution as we work to demonstrate what can be achieved if you never let go of your passion and commitment to the community.

FINAL POST

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to bring to the attention of the Members of the House of Representatives and the American public an article written by Chris Raymond for the The Director magazine. The article is a great description of what goes on at The Port Mortuary at Delaware's Dover Air Force Base, the first stop on the final journey for those who have given their life in defense of this Nation.

[From The Director, July 2007]

FINAL POST

(By Chris Raymond)

The Port Mortuary at Delaware's Dover Air Force Base exemplifies this nation's highest ideals and those underlying the funeral service profession as it cares for the men and women that sacrifice their lives in defense of our country—Chris Raymond.

Show me the manner in which a nation cares for its dead, and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land and their loyalty to high ideals—William Gladstone, British Prime Minister.

On this night, the bodies wait quietly in the darkness, their caskets in a long line, positioned with military precision before a large steel garage door. A massive U.S. flag, perhaps 30 by 20 feet, hangs silently above them. In the morning, this flag will offer one final salute to each fallen soldier as the staff of the Dover Air Force Base Port Mortuary drapes each casket with a smaller American flag, a stack of which hang ready on a rack near the exit for this purpose, before carefully wheeling each outside onto a broad cement landing. From there, vehicles will transport each of these meticulously, lovingly prepared men and women to the planes that will fly them home to their grieving families and the military honors each has earned.

On March 23, 2007, U.S. Army Sergeant First Class Cedric Thomas kneeled before the simple urn containing the cremated remains of U.S. Army Specialist Ross McGinnis during his funeral at Arlington National Cemetery. Resting his hand atop the urn, Thomas, wearing his full uniform, hung his head for a few moments, saying his silent goodbyes, lost in his thoughts. Rising, Thomas offered one final salute to the 19-year-old who sacrificed his life so he could live.

A few months earlier, on December 4, 2006, McGinnis manned a machine gun atop a Humvee as he, Thomas and three other soldiers patrolled the streets of Adhamiyah, Iraq. From a rooftop, an enemy insurgent tossed a grenade at their truck. Whizzing past McGinnis, the grenade fell through the Humvee's hatch and lodged next to a radio. According to a later account written by Rodney Sherman and published in The Clarion News, Thomas recalls McGinnis shouting to his four comrades: "Grenade! It's in the truck!"

Thomas also told the newspaper, "[McGinnis] had time to jump out of the truck."

McGinnis did not desert his comrades, however. Instead, he jumped through the hatch and threw his body atop the grenade. Upon detonation, McGinnis died instantly. While wounded, the four other soldiers survived, thanks entirely to the heroic action of a teenager from Knox, Pennsylvania.

U.S. Army Specialist Ross McGinnis has been posthumously nominated for receipt of the Medal of Honor, the nation's highest military award and an honor bestowed upon only 3,460 other members of the U.S. armed services since its inception shortly before the Civil War. During his funeral at Arlington, McGinnis received full military honors as three of the four people he saved in the Humvee that day paid their respects, after receiving special permission to attend the funeral before returning to the war zone.

Undoubtedly, the staff of the Dover Port Mortuary prepared the remains of U.S. Army Specialist Ross McGinnis during his journey home and before his ultimate interment at Arlington because Dover processes all of our deceased soldiers. Yet, despite his heroism, not one of the roughly 1,200 other military dead that Dover handles each year receive any less care, respect and honor than McGinnis did—regardless of rank and regardless of chosen method or location of interment.

That is simply how the Dover Port Mortuary operates, every day.

A long bus ride from Washington, DC, to Dover, Delaware, eventually delivers me at a security checkpoint just within the fenced-in, razor-wired confines of Dover Air Force Base. After spending more than two hours chatting with the entire NFDA Executive Board, staff members Christine Pepper, John Fitch and Lesley Witter, and former NFDA At-large Rep. Charlie Hastings, who organized this private tour in his home state, the onboard appearance of a military official demanding we surrender our drivers licenses suddenly sobers me.

''Oh yeah,'' I recall. ''Several months ago, I had to provide my Social Security number so Dover could conduct whatever background checks it requires.''

Suddenly, the serious nature of an entirely different way of life floods my thoughts. This is no tour-bus lark to visit the sights of Niagara Falls or the Grand Canyon, a feeling reinforced when I see a massive steel barrier descend into the ground so the bus can pass after receiving clearance.

Stepping off the bus, I enter a modern, recently built facility. As the group gathers within the lobby, I gaze at a massive, curved display just inside, constructed of polished gray stone and inscribed across the top with the words ''Dignity, Honor and Respect.'' The sound of falling water fills my ears from somewhere nearby as I read the many panels beneath these words, each listing an ''incident'' and the number of dead the Dover Port Mortuary handled each time, dating back to the 1960s. The astronauts of space shuttle Challenger; the victims of the Jim Jones tragedy in Guyana in the late 1970s, when I was a kid; many soldiers from Desert Shield/Desert Storm; the remains of Lt. Michael Blassie, the unidentified Air Force pilot representing the Vietnam War at the Tomb of the Unknowns for 14 years until his identification in 1998 and reinterment; the soldiers that died during the failed attempt to rescue the hostages in Iran during the Carter administration; and countless other members of the U.S. armed services.

A guy my age, dressed in a brown polo and multi-pocket khakis, begins addressing our group, welcoming us to Dover. Although William Zwicharowski—''Zig'' as we would come to address him—is a licensed funeral director, I can immediately tell he is also military; he stands ramrod straight even when he's being ''casual.'' Noting that the tour we are about to receive is extremely rare given the sensitive nature of Dover's operations, Zig proceeds to explain that the present facility was built about three years ago. While Dover's mortuary operations date back decades, some authorities felt the former facility looked like a ''warehouse'' after the attention given by the nation to victims of the 9/11 terrorist attack on the Pentagon. Even if only one grieving family visits the Dover facility each year, these powers realized that this family deserves to know that their son or daughter received the highest level of care and respect, something the ad hoc nature of the former facility did not convey.

Subsequently, Congress authorized the appropriation of $30 million for design and construction of the present Dover Port Mortuary installation. No other mortuary ''model'' to emulate existing anywhere else on earth, Zig and his staff helped shape the ultimate design and function of the current facility—the Charles C. Carson Center for Mortuary Affairs. As the tour progressed, I would grow to appreciate the government's wisdom of listening to the practitioner's point of view because every detail in the new facility—from the choice of equipment to the layout of the building itself—reflects the expertise and experience of people that know how to care for the dead while also serving the living.

After fielding our many initial questions, Zig beckons the group to walk around behind the incident display in the lobby. While certainly not hidden in any way, I am amazed to discover a large, comfortably appointed atrium just beyond. A soaring glass canopy overarches many ornamental trees and colorful flowers and plants surrounding a central bubbling water pond. The effect is soothing, even comforting, and again reflects the practitioner's insight: serving the living. Along the perimeter of the atrium, I notice numerous offices, some labeled ''Counseling,'' ''Chaplain'' or ''Meditation.''

Zig leads us to the Escort Briefing room. Inside, set up for the next morning, nine chairs at one end of the room hold green folders and clear-plastic bags. On each folder, the name of a deceased soldier. Within each bag, their personal effects. Suddenly, the body count in Iraq I hear each morning on my local news becomes personal. Those are more than just numbers; each represents someone's child, spouse, sibling, friend. And nine more of them or their representatives will sit in these chairs tomorrow with the pain of loss numbing their senses and try to follow the details about a far-away incident that took their loved ones as they view information projected from a laptop computer onto a screen at the front of the room. Some will find comfort in such knowledge. Others will caress perhaps the odd personal effect found in one of the plastic bags. A comb. A calling card. A tattered photo. Still others will hear or see nothing, numb from the immediacy of forever-loss.

The roughly 12 people working full-time at Dover understand this, however. For them, the true essence of what funeral directing is all about reigns paramount, which has nothing to do with ''efficiency'' or ''volume'' or getting one family ''out'' because another is scheduled to arrive in 15 minutes—the buzzwords too often filling The Director and your other trade publications. No, the mantra of these dedicated men and women is consistency; the belief that every deceased armed services member passing through their facility deserves complete, unwavering adherence to the words inscribed atop the incident display in the foyer: Dignity, Honor and Respect. Zig and his staff hold zero tolerance for even one ''mishap.'' As he would later convey during the tour about Dover's meticulous handling of every soldier's personal effects: ''It is not okay for us to say we 'only lost one item last year.' You try telling that to a family.''

Thus, whatever transpires within the Escort Briefing room the next morning, I know that these dedicated professionals will do whatever is necessary to afford every survivor with whatever comfort they require, for however long it takes.

The new Port Mortuary at Dover Air Force Base was designed for both war- and peacetime. Given the U.S. military presence in Iraq, the facility obviously now operates on a wartime status, and Zig and roughly a dozen others work at the mortuary full-time. When the volume of deceased military personnel threatens to grow greater than this crew can handle—which they can generally anticipate courtesy of CNN within 48 hours—Dover activates other professionals from within the military, as well as civilians, to assist.

The process of caring for a fallen soldier is extremely complex, but the Port Mortuary has an amazing system in place and continually strives to handle each case more effectively. Medical examiners want each body returned from the field of battle almost exactly as each man or woman fell, without any live ammunition or grenades, in order to determine if gear improvements are possible to save future lives. This possibly overlooked attention to detail recently resulted in an advancement in each soldier's body armor when Dover's personnel noticed a growing number of deaths due to neck wounds. Insurgent snipers had identified a vulnerability in American military armor—the exposed neck—and consciously aimed their rifles at this spot. Because the staff at Dover recognized this, however, American forces now wear a neck collar, saving an untold number of lives.

The grim fact remains, however, that the Port Mortuary at Dover exists primarily to process those that die defending our country. This begins with the transportation of each body from overseas to another large cement area at the rear of the facility. Transported within aluminum transfer cases, the remains arrive encased in ice and in great condition, usually within 48 hours of death. Again, I feel impressed and oddly proud when Zig relates the solemnity with which Dover's staff receives each case. These are no mere factory workers handling anonymous, insignificant packages along some conveyor belt, I think.

Moreover, despite helping to design and build a state-of-the-art facility, Zig acknowledges that there is always room for improvement in the care he and his staff provides. Thus, their practitioner-practical suggestions have also resulted in several innovations—most of them little things with profound impact. The aluminum transfer cases, for instance, once bore only two handles along each long side, forcing several pallbearers to ''pretend'' to carry each case and, frankly, forcing others to handle by themselves a heavy load. Because Zig suggested adding a few more handles to each case, these reused transfer cases (once sterilized) now sport the necessary number of handles. Dover's staff also suggested adding insulation to the inside of each transfer case to improve the cooling power of the ice preserving the remains during their journey to Dover.

Once received, the staff at Dover initiates a comprehensive system to track every aspect of a body's progress through the facility. Nearly 200 computers, utilizing a proprietary software program, gather and communicate with each other every detail concerning each particular deceased soldier. Each transfer case is logged in electronically using handheld bar-coding units. (The reason for this will become clear later in this article.)

At this point, each body is scanned in the ''EOD Room,'' which checks for the presence of live explosive ordnance. Again, I begin to appreciate the serious nature of the work these people perform as I glance at the construction of these twin chambers. The doors

and walls consist of one-foot-thick, steel-reinforced concrete, which Zig tells me can withstand the blast of one pound of C–4 explosive. Later, I ask him why bodies aren't scanned for dangerous ordnance before transfer to Dover.

He smiles and says, ''I wish I had a dollar for every time I hear that question... I don't know.''

Next, each body enters the ''Photography/Bar-coding'' area. Here every aspect of the deceased soldier whether consisting of a full body or merely a body part—is digitally recorded, assigned a unique bar code and tracked electronically. When/if a body's viscera are removed, Dover even tracks them to ensure their eventual return to the proper body. Such is the dedication Dover provides to ensure that our country's military dead receive the mathematically exacting tender mercies and loyalty to high ideals each has earned.

Fingerprinting of the deceased occurs next, performed entirely digitally in less than 10 minutes and again intended to ensure that no mistakes occur while each deceased soldier remains entrusted to the care of Dover's staff. Offering another practitioner-practical suggestion, Zig notes that he also recommends digital ''foot printing'' of each body. While yet uncommon, he explains that the skin patterns on the bottom of our feet are as unique as the pads on our fingertips, and while the latter is too often subject to damage, the boots issued to military personnel afford excellent tissue preservation, even in cases involving fire, which can later provide positive identification.

The sophistication of the equipment is impressive, as is the networking that enables an operator to access pertinent information at any time. In fact, this system even helped Zig identify from a small body part one of the terrorists that hijacked the plane that hit the Pentagon on 9/11.

Someone in the group asks what happened to the terrorist's body part. Was it returned? Was it discarded?

A shadow passes across Zig's face and his gaze grows distant. ''We decided we are better than them,'' he says quietly. ''We returned the body part in a casket to his homeland.''

He leads us toward the next station within the mortuary, which focuses on dental records. As we walk down a hallway, I noticed a framed document on a wall: ''Nerve Agent Symptoms and Antidote.''

''Truly a different way of life,'' I think again, not for the last time, before noticing 16 tan-plastic gurneys lined neatly along a wall. I recall Zig mentioning earlier that at the start of the Iraq War, Dover utilized almost everyone of its 75 gurneys.

Within the Dental Station, another impressive device takes digital X-rays of each body. Again, because of the sophisticated computer network at the Port Mortuary, personnel can quickly match these post-mortem scans with existing anti-mortem X-rays, making positive identification possible if not already verified in some other way. It was this device that helped the staff at Dover identify one of the 9/11 victims from only three teeth and a piece of the victim's jawbone.

Another method that Dover uses to identify the remains in its care involves a full-body X-ray. If a decedent remains unidentified at this point, this X-ray enables medical examiners to identify unique qualities within the body, such as healed broken bones. By asking a family if '''Johnny' once broke his arm as a teenager,'' Dover staff have another tool that helps them make positive identification.

It is important to remember, however, that too often, the body is not intact. In such cases, a full-body X-ray allows medical examiners to reassociate a severed limb with a torso by matching the ends of bones, joints, etc.

Finally, Zig shows us one more high-tech gizmo in this area of the mortuary: a GE ''virtual autopsy'' machine. Similar in appearance (to my untrained eye) to a CAT-scan device, this unit records digital information about the decedent's physiology in case it is needed.

We enter the ''Autopsy Suite'' next, a room even larger than the lobby we first visited. Late in the evening at this point, the work finished, the dozen or so autopsy stations along the perimeter sit clean, spotless, ready for whoever will need one next.

Gazing about the room, I feel my hair tussled as I step into a breeze from overhead. Numerous vents pockmark the ceiling, their louvers rattling, creating a state of constant white noise. Zig smiles, explaining the importance of proper ventilation in this room and that the goal is ''windy,'' that the air is circulated numerous times each hour and that it is ''obviously not returned [to the room].''

The ''Embalming Suite'' is nearly identical to the previous room in terms of setup. Each of the dozen or so stations sits neatly ready for use. Three Portiboy Mark V machines sit near each embalming table, as does a large spool of wire, used to rewire skull fractures. Along one wall, shelves hold the requisite practitioner equipment: body bags, coveralls, pants, caps, personal protection equipment, all in a range of sizes. Above Embalming Station #4, a large American flag hangs on the wall. In a cupboard rests a broad selection of embalming chemicals in a variety of strengths from numerous manufacturers. The choice of fluid type is up to each embalmer, but Dover generally uses a weaker solution in the head and a strong mix in the body because, as Zig says, ''You never know where a body is going.''

This comment might sound odd given all that the staff at Dover does to positively identify each body and/or body part, but it stems from the electronic bar coding noted earlier, revealing a second important reason for its use. Not only does this method accurately track every item associated with a deceased soldier, but it also reinforces the staffs commitment to treating each case as if it is the single most-important one that each of these professionals will ever handle. Stripped of name and rank, digital bar coding ensures that every set of remains receives the highest level of dignity, honor and respect.

Before leaving this room, Zig further clarifies the Port Mortuary's dedication to caring for the dead while serving the living by noting that every bright-red medical-waste box is X-rayed just in case some personal effect, such as a ring, is overlooked. Each box is then properly stored for 60 days, another precaution. This is also why each individual's initial aluminum transfer case is bar coded upon receipt—in case the need arises to locate a missing personal effect, which might have gone overlooked.

We visit the ''Personal Effects'' area next. In one room, more than a dozen floor-to-ceiling wire shelving units, each bearing five shelves, hold the electronically tracked personal effects of each person while he or she is prepared. Dover routinely cleans all personal effects before returning them to families.

As the group quietly files out of the room and toward the dressing area, two shelves at the back of the room catch my eye. Labeled ''Disassociated P.E.,'' I stand for a while, alone, gazing at the small number of personal effects that arrived at Dover at some point in the past that could not be reassociated with someone in their care despite the exhaustive efforts of its staff. A dime. Several long-distance calling cards. Two different photos of the same infant girl wearing a bright yellow dress. The combination to a Master Lock. Small stuff indeed, yet I sadly realize how significant the slightest of these might prove to a grieving family. Shaking myself from my reverie, I again feel proud of the lengths these people go to in order to serve the living before setting off to find the group.

Entering the dressing area, I hear Zig explain the four stages of viewing that Dover assigns to each case: a head wrap, a full wrap, viewable for ID, and viewable. Deaths involving mutilation of the entire body and deemed unviewable receive a dignified full wrap, and Zig demonstrated this process for the group (without the presence of remains). First, Dover staff cocoon the body or body part(s) in absorbent layers of cotton gauze before wrapping it in plastic sheeting. Then a crisp white cotton sheet shrouds the body before a green Army blanket is wrapped around that. Finally, in such cases, the soldier's uniform is placed on top of the fully wrapped body within a casket.

As I watch this demonstration, I sense that death from a bullet must prove easier to prepare, comparatively speaking, versus death caused by a roadside bomb or some other form of insurgent explosive device. I can neither imagine the horrors these people must witness nor fathom how they can handle such, but the respect I hold for their professionalism is undeniable at this point.

''Uniform Prep'' is the next area we visit. Here, high Plexiglas shelving units, like you might see in your local department store, contain hundreds of uniform components—pants, shirts, ties, etc.—each in dozens of sizes and representing every conceivable military branch, as well as numerous American flags. On racks located along one wall, freshly pressed uniform jackets hang.

Two walls of this area display every conceivable military medal, insignia, patch, stripe, bar and decoration you can name in plastic packages. John Fitch, a veteran of Vietnam, tells me that each military branch, each division, each unit, has its own special—often unique—insignias, explaining the vast array before us. The Dover Port Mortuary strives in every case to prepare meticulously, lovingly the remains of a fallen soldier as completely and as accurately as possible for the many grieving his or her death. While these walls hold a tremendous number of items to help them ''get it right,'' Zig later states that Dover continually adds such items because it is nearly impossible to have all of them in stock, just in case.

Briefly, I find myself examining, fascinated, the many rows of shiny decorations on these walls as if I'm some dopey tourist in a souvenir shop debating which trinket to purchase for the kids. Then the realization of where I am and the horrible, sad purpose of these items breaks through my fog of denial and I feel ashamed.

Finally, we visit the areas where the staff prepares caskets and urns and gets each case ready for transportation back to his or her family. The Dover Port Mortuary is almost entirely self-sufficient, further testament to its commitment to caring for the dead. Zig explains that Dover even engraves the name plates needed for urns, and will cremate a body at its own facility if a family so desires, before summarizing that Dover handles everything but ''sewing the stripes onto uniforms.'' (I later discover that he isn't kidding. Sewing duties required to meticulously prepare a burial uniform remain the only duty that Dover still outsources.)

A large area at the rear of the facility holds the numerous caskets, urns and temporary containers Dover will need. The mortuary stocks only one type of wood and one type of metal casket, purchased from several manufacturers, as well as Jewish caskets and even oversized caskets, testament again to its dedication to meeting the needs of each unique case with the dignity, honor and respect that each fallen soldier has earned.

The average age of the 1,200 cases Dover's Port Mortuary staff handles each year is 25. Despite the horrors of war, and thanks to the dedication, commitment and expertise of this remarkable facility's full- and part-time employees, Dover returns these young loved ones to their grieving families in a state suitable for viewing 85 percent of the time. (Again, it is crucial to understand that ''viewability'' has a different meaning here versus that used in a typical funeral home. Sadly, in some cases, only the decedent's head is viewable but not the body, or vice versa.)

As I take my seat aboard our chartered bus and settle in for the two-hour return journey to Washington, D.C., I gaze at the now-illuminated landscape of Delaware through my window as the miles pass unnoticed, lost in thought, sensing the night chill through my shirt. I do not feel like idly chatting right now.

I wish every funeral service professional, every citizen, had the opportunity to experience firsthand the tour I still struggle to assimilate. Learning how each set of remains that arrives at the Charles C. Carson Center for Mortuary Affairs is steadfastly treated as unique—as was each individual—and receives from a small group of amazing people the requisite time, attention and care their due moves me profoundly. Each is special. Each is one of a kind. Each—as well as everyone that grieves their death—is worthy of the mathematically exacting tender mercies and loyalty to high ideals each fallen soldier earned. Thanks to this facility and its staff, we—as a nation—bestow such on friend or foe alike.

I will never think of them as numbers again.

VIETNAM HUMAN RIGHTS ACT OF 2007

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 3096, the Vietnam Human Rights Act of 2007. H.R. 3096 makes important contributions to the ongoing dialogue with our ally the Socialist Republic of Vietnam regarding the importance of the protection of human rights in Vietnam.

Vietnam, to further it role as a responsible member of the international community, must release individuals imprisoned for political and religious beliefs. The government, though its policies and actions, must display a greater respect for religious freedoms and the rights of minorities. Essential to achieving this goal is for Vietnam to allow individuals who seek such protections full access to U.S. sponsored refugee programs. Further, Vietnam must end any and all support its government officials provide for trafficking of humans. H.R. 3096 makes future non-humanitarian U.S. assistance to Vietnam conditional upon the President of the United States certifying to Congress progress made by the government of Vietnam on these important matters.

I am concerned by reports the government of Vietnam blocks the Radio Free Asia programming. I fully support the provision in H.R. 3096 to authorize appropriate efforts be made to overcome such interference. I also fully support provisions in H.R. 3096 supporting the educational and cultural exchange programs with Vietnam to promote progress toward freedom and democracy.

The protection of the human rights in Vietnam is particularly important to me and the people of Guam. The fall of the Republic of Vietnam in 1975 displaced approximately three million Vietnamese. My late husband Ricardo J. Bordallo, then Governor of Guam, welcomed the 150,000 Vietnamese refugees who landed on Guam's shores in April 1975. I vividly remember how the Guam community came together in solidarity with the Vietnamese people and worked hard to help comfort these brave individuals who had left all their worldly possessions behind in the name of freedom.

The people of Guam empathized with the Vietnamese refugees, and we opened our hearts as well as our island to them. As First Lady, I organized care for the hundreds of orphan babies who arrived as a result of Operation Baby Lift. A poignant experience, this effort remains as one of my fondest memories of my husband's first term as Governor of Guam.

Vietnam today is a country that seeks peace with its neighbors, prosperity at home, and friendly relations with the United States. The provisions contained in H.R. 3096 will help towards achieving those ends.

CONGRATULATING PAYSON, ARIZONA, ON ITS 125TH ANNIVERSARY

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. RENZI. Madam Speaker, today I want to recognize and honor the Town of Payson, Arizona, which is in my district. This year Payson will be celebrating its 125th anniversary October 3rd through the 7th.

This beautiful mountain village community is known for its natural beauty and deep history. Surrounded by the rich ponderosa pine Tonto National Forest, Payson is located in Gila County at the base of the 7,000 foot, 200 mile long Mogollon Rim, which defines the southwestern edge of the Colorado Plateau. Seven Rim Lakes are located in the vicinity, offering a wide array of outdoor recreation for residents and tourists to enjoy.

In 1882 community leaders surveyed the current town site of Payson, originally calling the settlement Green Valley. The town changed its name after constructing its post office. In 1884 then postmaster, Frank C. Hise, renamed the town in honor of the congressional chairman of the Committee on Post Office and Post Road, Senator Louis Edward Payson, who was instrumental in establishing the post office.

Payson will forever be linked to the American Old West. It was in 1884 that the town held its first rodeo, holding it every year since, earning the title of ''World's Oldest Continuous Rodeo.'' Author Zane Grey, who idealized the ruggedness of the Old West, used Payson and its surrounding areas for the backdrop and inspiration for some of his literary works, including ''Code of the West,'' ''Under the Tonto Rim,'' and ''To the Last Man.''

It was not until 1973 that Payson was incorporated, and since then it has grown to become a thriving community that anchors the area known as ''Rim Country.'' I would like to applaud Payson for all of its achievements, recognize its distinct history, and congratulate it on its 125th anniversary. This community serves as a beacon for all other burgeoning south Western communities to follow, and is home to a people of deep community spirit and fervent respect for their environment.

VIETNAM HUMAN RIGHTS ACT OF 2007

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. SMITH of New Jersey. Mr. Speaker, in light of the Vietnam Human Rights Act of 2007, H.R. 3096, which was debated on the House Floor yesterday, September 17, 2007, and which passed overwhelmingly this afternoon, I would like to include in the record portions of the trial proceedings for Attorney Nguyen Van Dai and Attorney Le Thi Cong Nhan who are referenced in this legislation. Both individuals were ruthlessly seized by the Government of Vietnam on March 6, 2007, in Vietnam's most recent crackdown on democracy and human rights advocates. The accused each received years of imprisonment after being found guilty of ''disseminating propaganda against the Socialist Republic of Vietnam,'' I urge each and every one of my colleagues to read this chilling account of the Vietnamese justice system.

THE SOCIALIST REPUBLIC OF VIETNAM;
INDEPENDENCE—LIBERTY—HAPPINESS

THE PEOPLE'S COURT OF HANOI CITY

Preliminary criminal sentence, No. 153/2007/HSST, May 11, 2007. In the name of the Socialist Republic of Vietnam, The People's Court of Hanoi City. The Preliminary Trial Committee is composed of:

Presiding Judge: Mr. Nguyen Huu Chinh. People's Jurors: 1. Mr. Nguyen Thanh Ha, 2. Mrs. Tran Hong Thuy. Court clerk/recorder: Mrs. Nguyen Thi Huyen, cadre of the People's Court of Hanoi City, Representative of The Hanoi City People's Office of Procuracy: 1. Mr. Dinh Trong Nghia, Procurator, 2. Mr. Dinh Quoc Thai, Procurator.

On May 11, 2007, the following defendants were preliminarily tried by the People's Court of Hanoi City under Criminal Docket No. 138/2007/HSST of April 24, 2007:

1. NGUYEN VAN DAI born 1969, in Da Trach, Khoai Chau District, Hung Yen Province; domiciled at Apartment 302, House Z8, Back Khoa Communal Building, Bach Khoa Ward, Hai Ba Trung Precinct, Ha Noi City; occupation at the time of committing crimes: Head Attorney of the Thien An Law Office; educational background: Grade 12/12; born of Mr. Nguyen Van Cap and Mrs. Nguyen Thi Thom; married to Vu Minh Khanh; arrested and placed under temporary detention since March 6, 2007; is present at the trial.

2. LE THI CONG NHAN: born 1979 in Go Cong Tay, Tien Giang Province; domiciled at Apartment 48 (currently Apartment 316), House A7, Government Office Employees' Communal Building, Phuong Mai Ward, Dong Da Precinct, Ha Noi City; occupation at the time of committing crimes: Staff Attorney of the Thien An Law Office; educational background: Grade 12/12; born of Mr. Le Minh Duc and Mrs. Tran Thi Le; arrested and placed under temporary detention since March 6, 2007; is present at the trial.

Defendant Nguyen Van Dai's trial attorneys: Mr. Tran Lam, Hai Phong City Lawyers Bar (in attendance), Mr. Dam Van Hieu, Attorney, Thong Nhat Law Office, Ha Noi City Lawyers Bar (in attendance), Defendant Le Thi Cong Nhan's trial attorney, Mr. Tran Lam, Hai Phong City Lawyers' Bar (in attendance).

BE IT JUDGED THAT: 1. Relative to defendant Nguyen Van Dai. At both the investigative offices and the trial, defendant Nguyen Van Dai admitted that he had written a number of articles, e.g. ''Freedom to Form a [Political] Party'' and ''Vietnamese People Have the Ability to Build a Multi-Party System''. The defendants had distributed these articles through the media of reactionary Vietnamese organizations overseas, and participated in interviews via the Internet with overseas anti-socialist elements. The contents of these articles were meant to smear and degrade the leading role of the VCP. He maintained that under current circumstances, because the VCP did not have enough ability to lead the Revolution Vietnam is in dire need of a change of the ruling party or to a pluralistic, multi-party system in order to emerge out of poverty.

As provided for in Article 4 of the SVN's Constitution, the VCP—the vanguard of the worker class and loyal representative serving the interests of the worker class and the working people—is the leading force of the State and society. That positively affirms that since the VCP is the only preferred leader of the Vietnam Revolution all other political parties and their activities are in fact in non-compliance and illegal. Because of the fact that the defendant is the one who drafted the ''Bylaws'' of the Democratic Party and supported the platforms of Hoang Minh Chinh's Democratic Party, and that he has also written a number of articles, criticizing the VCP and advocating a pluralistic and multi-party regime, Dai has obviously committed a serious violation of the Constitution and laws of Vietnam.

Based on the admissible evidences and Dai's own admissions at the trial, from the time when the Thien An Law Office was founded to his arrest, Dai had never served as a trial lawyer and acted according to his duties, as specified in his professional license. Instead, he had made contacts and exchanged information regarding democracy and human rights with a number of political opportunists who acted in opposition to the VCP and against the SRV. The defendant had joined and enthusiastically supported the platforms of the so-called Vietnam Progression Party (VPP) and Bloc 8406, a [political] organization founded illegally by Nguyen Van Ly in Vietnam. The defendant had conferred and concurred with Nguyen Van Ly on the platform of the VPP, as well as visited Ho Chi Minh City to engage a number of Do Nam Hai's supporters in various efforts to support both Bloc 8406 and the VPP.

The defendant was also a member of the ''Independent Trade Union''. He admitted to his contacts with such overseas individuals as Nguyen Dinh Thang, Vu Quoc Dung, Tran Ngoc Thanh, etc., which focused on ''democracy and human rights issues''. However, seized documents and evidences have attested to the intentions of these exiled Vietnamese who are fiercely opposed to the State. The defendant's contacts with these subjects have gone beyond the discussion of democracy and human rights issues, and they have in fact intended to form a number of organizations and political parties in opposition to the VCP and the SRV. According to witness Tran Van Hoa's statements, on September 2006 defendant Dai asked the former to come to Hanoi so that they could together make a trip to China, where they planned to meet with Tran Ngoc Thanh, an overseas Vietnamese in Poland to discuss the founding of the ''so-called'' Independent Trade Union.

Having searched the Thien An Law Office headed by Nguyen Van Dai, and the residence of Nguyen Van Dai, the investigative authorities seized numerous documents, among which there were 121 stacks of documents. Some documents containing contents of extremely reactionary nature are meant to twist the facts about the VCP, and to smear the honor and tarnish the reputations of the Party, President Ho Chi Minh and the top leaderships of the Party and the State, e.g. a document titled ''The Vietnamese Communist Party is Bad Karma,'' and ''The Secrets of the New Vietnamese Prime Minister.'' Another 475-page document, authored by a ''Quoc-Quoc,'' is full of distortions with regard to the history of the revolutionary struggle, the policies of the VCP and the State throughout the different stages of the Revolution, as well as blemishes and badmouthing against the high-ranking officials and top cadres of the Party.

The document, titled ''Diary of a Victim of Injustice,'' contains the slants and distortions of facts, and false allegations that the government and police brutally repressed legal complainants. In addition, the authorities also captured many documents written by other anti-State political opportunists, notably ''Democracy and Human Rights in VN'' and ''Eternal Aspirations,'' authored by Nguyen Thanh Giang. Scores of other documents and publications circulated by overseas Vietnamese organizations include the bi-monthly ''Tu Do Ngon Luan,'' (Freedom of Speech) the ''To Quoc'' (Fatherland) magazine, the ''Tu Do Dan Chu'' (Freedom & Democracy) newsletter, the Bloc 8406–proclaimed ''The Declaration of Freedom and Democracy for Vietnam''. Being very reactionary in content, these documents are full of distortions of the current realities of Vietnam and allegations that all the inalienable rights of the Vietnamese people are being brutally trampled upon and the contentions that their goal is to struggle for a change of regime in Vietnam.

At the trial, the defendant admitted to having contacts and Internet direct-linked interviews with foreign newspapers and radio stations regarding the issues of democracy and human rights in Vietnam. However, documented evidences have revealed that during these contacts and interviews the defendant always provided untruths and distortions regarding the democracy and human rights situation in Vietnam, and provocative badmouthing against the socialist regime and the VCP, and he called for a change of regime as well. At the same time, he had received other documents calling for a boycott of the 2007 National Assembly Election. Another document ''Wear White on the 1st and 15th of the Month in Support of Democracy,'' a campaign document published by Bloc 8406 proclaiming 10 conditions for a multi-party National Assembly election. Another Bloc 8406 document initiated the launching of a boycott of the 2007 One-Party National Assembly Election.

Nguyen Van Dai held classes regularly at the Thien An law office to provide propaganda on the subject of Democracy, Human Dignity and Human Rights. Witnesses Dong Thi Giang, Khong Van Thanh, Nguyen Ba Truc, and Giap Van Hieu that Dai had invited to participate in the classes, all affirmed that during those class lectures both Dai and Nhan had zealously badmouthed the political and social state of the nation, the Government of the SRV. Dai had alleged that the SRV does not respect human rights and has employed torture and violence against innocent citizens. The defendant, while maintaining that the ''Party Nominates, Citizen Elects'' election trick is undemocratic, called for a change of the socialist regime that would deny the VCP its monopoly of power in order to achieve social equality.

The defendant's criminal conduct has constituted the crime of ''disseminating propaganda against the Socialist Republic of Vietnam,'' as stipulated in Article 88 of the Criminal Code and determined in the indictment of the Hanoi City People's Office of Procuracy. :

2. Relative to defendant Le Thi Cong Nhan. At the investigative offices and at the trial, the defendant admitted that she was a member of the Vietnam Progression Party (VPP) and that of Bloc 8406 (founded by Nguyen Van Ly). Nhan participated as the VPP spokesperson. She indicated that she had joined the party voluntarily. The Trial Committee is of the opinion that the purpose of this organization is to act against the VCP and the SRV in order to drastically change the political regime of Vietnam. Her organization appealed for a pluralistic, multi-party system and incited the people to ''Wear White'' as a demonstration of support for democracy. As such, the defendant's participation and support of the VPP's platform is a violation of State laws.

The defendant herself wrote the article, ''The Truth about the Repeal of Decree 31/CP of April 14, 1997''. The content of her article indicates that the repeal of this decree was phony with the intent to misdirect public opinion. In her interviews, the defendant also commented on Directive 37 issued by the Prime Minister that this directive is undemocratic as it prohibits freedom of the press. All her articles contain fabrications, defamations, ridicules, and attacks on the regime. The defendant maintained that the Vietnamese political structure is dictatorial, infantile, and uncivilized. Nhan's articles and documents were distributed in the form of direct answers to foreign radio networks such as BBC, RFA (Radio Free Asia), or Internet-linked interviews with overseas Vietnamese exiles.

In a house search, the investigative authorities have seized many stacks of documents which had been circulated by both domestic and overseas political opportunists. These documents contain bad-intent distortions of the facts and protests against the current directions and policies of the Party and the State. They include: appeals to ''boycott the National Assembly Election of 2007; demands for a pluralistic, multi-party system, etc.; instructions for the populace to ''Wear White'' on the first and 15th day of the month to support democracy in Vietnam; ''Let's Paint a Portrait of a Free and Democratic Vietnam''; ''How to Fight Fear'' (written by Nguyen Van Ly); ''The Declaration of Democracy for Vietnam 2006''; ''The Preliminary Platform of the Vietnam Progression Party''; ''The Founding of an Alliance of National Forces for Freedom, Democracy and Human Rights''; ''Bloc 8406 To Announce 10 Conditions for a Multi-Party National Assembly Election and How To Boycott This Election''; ''Bloc 8406 initiating a Campaign to Reject the Single-Party National Assembly Election of 2007''.

The defendant has also provided her students with propaganda in her so-called ''Democracy'' course. With great discontent, she has criticized and smeared our regime, falsified the history of the People's VCP-led revolutionary struggle, as well as called for the replacement of the current VCP by another political party or a pluralistic, multiparty system.

The defendant's criminal conduct has constituted the crime of ''disseminating propaganda against the Socialist Republic of Vietnam,'' as stipulated by Article 88 of the Criminal Code and charged with in the indictment of the Hanoi City People's Office of Procuracy.

The crimes both defendants have committed are very severe. They have taken advantage of their democratic rights and freedom to produce, possess, and distribute various documents meant to libel the People's Government and oppose the SRV. Their conduct is deemed to be dangerous to society. It has generated bad opinion both in and outside of the country, and has directly damaged our national security interests, as well as the benefits and achievements that the Vietnamese people have made throughout our long struggle for building and safeguarding the nation. Their conduct has resulted in the tarnished reputations of the VCP, the socialist regime, and our leaders among the populace. They, being Vietnamese citizens, shall have the absolute obligations to abide by the laws of Vietnam. Consequently, they are to be severely punished, once found to be in violation, as provided for by the laws of Vietnam.

Although still at young age and having yet made contributions to the country, both defendants Nguyen Van Dai and Le Thi Cong Nhan have committed serious crimes to the detriment of our national interests and security. They need to be severely punished before the court of law in order to appreciate fully the effects of reform, education, and deterrence. In this case, defendant Nguyen Van Dai has been found to have actively engaged in carrying out his crimes although his admissions were not truly sincere, Dai is to deserve a heavier punishment. Defendant Le Thi Cong Nhan has also actively committed her crimes. As she was found not to be fully cooperative in her admission at the investigative offices and at the trial, she is to be punished according to the severity of her crimes.

House arrest shall be an additional requirement to their main punishments, as stipulated by Article 92 of the Criminal Code.

Evidential material: The investigative authorities have seized numerous evidences from the Thien An Law Office, as well as the residences of defendants Nguyen Van Dai and Le Thi Cong Nhan. It is determined that these evidences were used as a means to have committed their crimes, and therefore shall be confiscated and kept in State's depositories. Other captured evidences, of insignificant values, shall be destroyed.

For the above-mentioned reasons, BE IT DECIDED THAT: Verdict: Defendants Nguyen Van Dai and Le Thi Cong Nhan are guilty of ''disseminating propaganda against the Socialist Republic of Vietnam''.

Penalty: Nguyen Van Dai is sentenced to 5 (five) years of imprisonment, effective as of his temporary detention which began on March 6, 2007.

Penalty: Le Thi Cong Nhan is sentenced to 4 (four) years of imprisonment, effective as of her temporary detention which began on March 6, 2007.

Additional penalty: Defendant Nguyen Van Dai is sentenced to 4 (four) years of house arrest upon completion of his imprisonment term. Defendant Le Thi Cong Nhan is sentenced to 3 (three) years of house arrest upon completion of her imprisonment term.

Evidential material: to be confiscated and kept in State depositories 6 CPUs, 1 flatscreen monitor, 1 desktop computer (16 inch, make Samsung), 1 digital recorder (make Digital Live SDR–6404), 1 Card Reader (make QS 034 Ba07), 1 desktop computer cable, 1 notebook (make HP:S/NCND604172F; PN EP412UA # ABA), 1 scanner (make Canon F915800), 1 modem (make AR 325W, 6H057–15379), 1 Webcam (Colorvis). Destroyed 2 hard drive, 1 hard disk (make HD080HJ–PIN 137216FL740777P/ V FS S/N081KL702016), 1 hard disk (make SP4011N–S/ NSO1JJ50YB41562–PN: 1187J2FYB 15242P/ VFS).

These evidential materials are currently stored at the Hanoi Evidence Depository Locker (Executed per the receipt of April 23, 2007).

Defendants Nguyen Van Dai and Le Thi Cong Nhan are to be fined a court fee of 50.000 dongs each and are entitled to filing appeals within 15 days of the pronouncement of their preliminary sentences.

For the Preliminary Trial Committee, Nguyen Huu Chinh, Presiding Judge.

RECOGNIZING JORDAN LEIGH YOUNG

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. CHANDLER. Madam Speaker, today I would like to recognize one of my constituents, Miss Jordan Leigh Young of Salvisa, Kentucky, who will be performing at the Grand Ole Opry in Nashville, Tennessee on Tuesday, September 18, 2007.

As a 15-year-old, this is an exciting chance for Miss Young to showcase her singing and banjo-playing abilities in front of Nashville's Music Row insiders. Her long list of accomplishments proves that she has no difficulty entertaining crowds ranging from three to thousands of people. In fact, she is already a member of the Kentucky Country Music Association and was awarded the 2005 and 2006 Female vocalist and Entertainer of the Year and the 2006 Duo of the Year.

Miss Young's opportunity to perform at the legendary Grand Ole Opry is the grand finale in a series of events that have helped to expand her musical talents beyond the borders of Kentucky. After being selected by CBS News' The Early Show for their ''Magic Moment'' series, she was invited by her life-long idol, Dolly Parton, to perform at the Opry.

In addition to Miss Young's gift of singing and playing the 5 string banjo, she also knows a thing or two about living on a family farm and has done her fair share of hard work. Part of this work includes raising and showing goats in regional competitions, where she has won several grand championship awards.

I would like to congratulate Miss Jordan Leigh Young for her unique contributions to Central Kentucky, and I wish her the best in her musical pursuits. I have no doubt that her determination will take her as far as she wants to go, and I imagine that many of us will soon be hearing her captivating voice broadcast across national air-waves.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1124, District of Columbia College Access Act.

Senate

Chamber Action

Routine Proceedings, pages S11615–S11685

Measures Introduced: One bill and two resolutions were introduced, as follows: S. 2059, S. Res. 319, and S. Con. Res. 47. **Pages S11654–55**

Measures Passed:

District Of Columbia College Access Act: By a unanimous vote of 96 yeas (Vote No. 338), Senate passed H.R. 1124, to extend the District of Columbia College Access Act of 1999, after taking action on the following amendments proposed thereto: **Pages S11620–25**

Adopted:

Coburn Amendment No. 2887, to exempt millionaires from receiving educational scholarship funds intended for needy families. **Page S11623**

Rejected:

By 38 yeas to 59 nays (Vote No. 337), Coburn Amendment No. 2888, to prohibit the Federal Government from favoring public colleges and universities over private colleges and universities under the District of Columbia College Access Act of 1999. **Pages S11623–25**

Mental Health Parity Act: Senate passed S. 558, to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11679–84**

Reid (for Domenici/Kennedy) Amendment No. 2908, in the nature of a substitute. **Page S11684**

Measures Considered:

District of Columbia House Voting Rights Act: By 57 yeas to 42 nays (Vote No. 339), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of S. 1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives. **Pages S11626–32**

National Defense Authorization Act: Senate continued consideration of H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel, taking action on the following amendments proposed thereto: **Pages S11632–45**

Pending:

Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Page S11632**

Levin (for Specter/Leahy) Amendment No. 2022 (to Amendment No. 2011), to restore habeas corpus for those detained by the United States. **Page S11632**

Warner (for Graham/Kyl) Amendment No. 2064 (to Amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects. **Page S11632**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, September 19, 2007, with 60 minutes of debate prior to a vote on the motion to invoke cloture on Levin (for Specter/Leahy) Amendment No. 2022 (to Amendment No. 2011) (listed above), with the time equally divided and controlled between the two Leaders, or their designees; provided that Senate vote on the motion to invoke cloture on the amendment; provided further, that Members have until 10:00 a.m., on Wednesday, September 19, 2007, to file any germane second-degree amendments to Leahy (for Specter/Leahy) Amendment No. 2022 (to Amendment No. 2011). **Page S11684**

Nominations Received: Senate received the following nominations:

Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy.

Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management).

Keith Hall, of Virginia, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

1 Coast Guard nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard. **Pages S11684–85**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Anita K. Blair, of Virginia, to be an Assistant Secretary of the Air Force, which was sent to the Senate on January 9, 2007. **Page S11685**

Messages from the House: **Page S11654**

Measures Referred: **Page S11654**

Additional Cosponsors: **Pages S11655–56**

Statements on Introduced Bills/Resolutions: **Pages S11656–68**

Additional Statements: **Pages S11652–54**

Amendments Submitted: **Pages S11668–78**

Notices of Hearings/Meetings: **Page S11678**

Authorities for Committees to Meet: **Pages S11678–79**

Record Votes: Three record votes were taken today. (Total—339) **Pages S11625, S11631–32**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:47 p.m., until 9:30 a.m. on Wednesday, September 19, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11684.)

Committee Meetings

(Committees not listed did not meet)

NFL RETIREMENT SYSTEM

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine the National Football League (NFL) retirement system, after receiving testimony from Dave R. Duerson, Burt Bell/Pete Rozelle National Football League Retirement Plan, Highland Park, Illinois; Gene Upshaw, National Football League Players Association, and Bill Bain, both of Washington, D.C.; Roger Goodell, National Football League, New York, New York; Daryl Johnston, Dallas, Texas; Brent Boyd, Reno, Nevada; Garrett Webster, Moon Township, Pennsylvania; Mike Ditka, Lake Bluff, Illinois; and Gale Sayers, Chicago, Illinois.

BREAKING THE METHAMPHETAMINE SUPPLY CHAIN

Committee on Finance: Committee concluded a hearing to examine breaking the methamphetamine supply chain, focusing on meeting challenges at the border, after receiving testimony from Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice; Christy A. McCampbell, Deputy Assistant Secretary of State, Bureau for International Narcotics and Law Enforcement Affairs; Matthew C. Allen, Deputy Assistant Director, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Gary W. Kendell, Iowa Governor's Office of Drug Control Policy, Des Moines; Thomas M. Siebel, Meth Project, Palo Alto, California; and Peter D. Wolfgram, Bungalow Drug Inc., Belgrade, Montana.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, after the nominee, who was introduced by Senator Sununu, testified and answered questions in his own behalf.

ATTORNEY–CLIENT PRIVILEGE UNDER THE MCNULTY MEMORANDUM

Committee on the Judiciary: Committee concluded a hearing to examine corporate fraud prosecutions and the attorney-client privilege under the McNulty Memorandum, including S. 186, to provide appropriate protection to attorney-client privileged communications and attorney work product, after receiving testimony from United States Attorney Karin J. Immergut, District of Oregon, Department of Justice; Dick Thornburgh, Kirkpatrick and Lockhart Preston Gates Ellis, LLP, Washington, D.C.; Daniel Charles Richman, Columbia University School of Law, and Andrew Weissmann, Jenner and Block, both of New York, New York; and Michael L. Seigel, University of Florida Levin College of Law, Gainesville.

BUSINESS MEETING

Select Committee on Intelligence: Committee, in a closed session, ordered favorably reported the nomination of Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3558–3578; and 6 resolutions, H.J. Res. 50; H. Con. Res. 213–214; and H. Res. 658, 661–662 were introduced. **Pages H10509–10**

Additional Cosponsors: **Pages H10510–11**

Reports Filed: Reports were filed today as follows:

H. Res. 659, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–332) and

H. Res. 660, providing for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury (H. Rept. 110–333). **Page H10509**

Speaker: Read a letter from the Speaker wherein she appointed Representative Cohen to act as Speaker Pro Tempore for today. **Page H10437**

Recess: The House recessed at 9:01 a.m. and reconvened at 10 a.m. **Page H10437**

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Frederick L. Klein, Director of Community Chaplaincy, Greater Miami Jewish Federation, Miami, Florida. **Page H10437**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 217 yeas to 183 nays, with 1 voting ''present'', Roll No. 870. **Pages H10437, H10445**

Expanding American Homeownership Act of 2007: The House passed H.R. 1852, to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, by a recorded vote of 348 ayes to 72 noes, Roll No. 876. **Pages H10440–45, H10445–47, H110447–81**

Rejected the Price (GA) motion to recommit the bill to the Committee on Financial Services with instructions that the Committee report the same back promptly with an amendment, by a yea-and-nay vote of 209 yeas to 216 nays, Roll No. 875. **Pages H10478–80**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of H. Rept. 110–330, shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as an original bill for the purpose of further amendment. **Pages H10456–63**

Agreed by unanimous consent that amendment No. 2 printed in part B of H. Rept. 110–330 may be offered out of sequence. **Page H10447**

Accepted:

Cardoza amendment (No. 2 printed in H. Rept. 110–330) that raises the FHA single family loan limit, by establishing such limit in each area as the lower of (a) 125% of the local median area home price or (b) 175% of the national GSE conforming loan limit; retains the FHA loan floor provision in the reported bill of 65% of the GSE conforming loan limit; and also gives HUD authority to raise these resulting loan limit amounts by up to $100,000 by area and/or by unit size ''if market conditions warrant''; **Pages H10463–65**

Tierney amendment (No. 1 printed in H. Rept. 110–330) that directs the Secretary of the Department of Housing and Urban Development to provide mortgage insurance premium refunds to eligible borrowers of FHA insured loans, which were closed prior to December 8, 2004, but which were not endorsed until December 8, 2004 or after that date, and authorizes such sums as may be necessary for such refunds; **Page H10465**

Gary G. Miller (CA) amendment (No. 3 printed in H. Rept. 110–330) that allows qualified down payment assistance providers to participate in the FHA Program if certain conditions are satisfied (i.e. no obligation for mortgagor to repay and net worth requirement); **Pages H10465–67**

Bishop (NY) amendment (No 4 printed in H. Rept. 110–330) that clarifies requirements on reverse mortgages for seniors who own permanent foundation homes on leased land; and **Page H10467**

Tiberi amendment (No. 6 printed in H. Rept. 110–330) that requires the Secretary to ensure that the mortgagor receives counseling at the time of application. **Pages H10469–70**

Rejected:

Hensarling amendment (No. 5 printed in H. Rept. 110–330) that sought to strike the allowable use of FHA savings for an affordable housing fund (by a recorded vote of 148 ayes to 280 noes, Roll No. 873) and **Pages H10467–69, H10477**

Biggert amendment in the nature of a substitute (No. 7 printed in H. Rept. 110–330) that sought to reform the Federal Housing Administration's (FHA) single-family mortgage insurance activities and allow FHA to base each borrower's mortgage insurance premiums on the risk that the borrower poses to the

FHA Mortgage Insurance Fund, with slight variations. Under this proposal, mortgage insurance premiums would be based on the borrower's credit history, loan-to-value ratio, debt-to-income ratio, and on FHA's historical experience with similar borrowers. This amendment maintained FHA reserves within the insurance fund to preserve the future solvency of the FHA program (by a recorded vote of 175 ayes to 252 noes, Roll No. 874).

Pages H10470–76, H10477–78

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Pages H10481–82**

H. Res. 650, the rule providing for consideration of the bill, was agreed to by a recorded vote of 227 ayes to 190 noes, Roll No. 872, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 191 nays, Roll No. 871. **Pages H10446–47**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, September 17th:

Vietnam Human Rights Act of 2007: H.R. 3096, amended, to promote freedom and democracy in Vietnam, by a ⅔ yea-and-nay vote of 414 yeas to 3 nays, Roll No. 877. **Page H10481**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commemorating the 25th anniversary of the Vietnam Veterans Memorial: H. Res. 326, amended, to commemorate the 25th anniversary of the Vietnam Veterans Memorial; **Pages H10482–84**

Recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country, and commending all efforts to promote and preserve the history of the 65th Infantry Borinqueneers: H. Res. 443, amended, to recognize the service of the 65th Infantry Borinqueneers during the Korean War, to honor the people of Puerto Rico who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country, and to commend all efforts to promote and preserve the history of the 65th Infantry Borinqueneers; **Pages H10484–86**

Expressing the nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group (H) Association: H. Res. 604, amended, to express the nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group (H) Association; and **Pages H10486–88**

Recognizing the 60th anniversary of the United States Air Force as an independent military service: H. Con. Res. 207, to recognize the 60th anniversary of the United States Air Force as an independent military service. **Pages H10488–94**

Quorum Calls—Votes: Four yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H10445, H10446, H10446–47, H10477, H10477–78, H10480, H10480–81, H10481. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 6:45 p.m.

Committee Meetings

IRAQ/AFGHANISTAN CONTRACTOR MEDICAL BENEFITS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on the benefits and medical care for Federal and U.S. contractor employees deployed to Iraq and Afghanistan. Testimony was heard from Patricia S. Bradshaw, Deputy Under Secretary, Civilian Personnel Policy, Department of Defense; Shelby Hallmark, Director, Office of Workers' Compensation Programs, Department of Labor; and Brenda S. Farrell, Director, Defense Capabilities and Management Team, GAO.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing on the Juvenile Justice and Delinquency Prevention Act. Testimony was heard from Deborah Kooperstein, Administrative Judge, Southhampton, New York; Kim Berkeley Clark, Administrative Judge, Family Division (Domestic Relations and Juvenile Court) 5th Judiciary District of Pennsylvania (Allegheny County) Pittsburgh, Pennsylvania; Janet Garcia, Deputy Director, Office for Children, Youth and Families, State of Arizona; Andrea Wiesman, Director, Health Services, Youth Rehabilitation Services, District of Columbia; Anne Marie Ambrose, Director, Child Welfare and Juvenile Services, Department of Public Welfare, State of Pennsylvania; and a public witness.

MILITARY FAMILIES MEDICAL LEAVE COVERAGE

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on the Family and Medical Leave Act: Extending Coverage to Military Families Left at Home. Testimony was heard

from Senators Dodd and Clinton; Representative Issa; and public witnesses.

MONITORING 9/11 HEALTH EFFECTS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Answering the Call: Medical Monitoring and Treatment of 9/11 Health Effects.'' Testimony was heard from John Howard, M.D., Director, National Institute for Occupational Safety and Health; Department of Health and Human Services; Cynthia Bascetta, Director, Health Care Issues, GAO; James Melius, M.D., Laborers' Health and Safety Fund, New York; Edward Slyler, Deputy Mayor, Administration, City of New York; and public witnesses.

NUCLEAR TERRORISM PREVENTION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Nuclear Terrorism Prevention: Status Report on the Federal Government's Assessment of New Radiation Detection Monitors.'' Testimony was heard from Gene Aloise, Director, Natural Resources and Environment Division, GAO; the following officials of the Department of Homeland Security: Vayl Oxford, Director, Domestic Nuclear Detection Office; and Dave Huizenga, Assistant Deputy Administrator, Office of International Material Protection and Cooperation, National Nuclear Security Administration; and Paul A. Schneider, Under Secretary, Management.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 2868, To eliminate the exemption from State regulation for certain securities designated by national securities; H.R. 2787, amended, CJ's Home Protection Act of 2007; and H.R. 3526, To include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions.

The Committee also approved pending Committee business.

U.S.-SAUDI ARABIA RELATIONS

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on U.S. Relations with Saudi Arabia: Oil, Anxiety, and Ambivalence. Testimony was heard from public witnesses.

DEPARTMENT OF HOMELAND SECURITY REVIEW

Committee on Homeland Security: Held a hearing entitled ''The Grades Are In—Is the Department of Homeland Security Measuring Up?'' Testimony was heard from David M. Walker, Comptroller General, GAO; and Paul A. Schneider, Under Secretary, Management, Department of Homeland Security.

WARRANTLESS SURVEILLANCE AND THE FISA ACT

Committee on the Judiciary: Held a hearing on Warrantless Surveillance and the Foreign Intelligence Surveillance Act: The Role of Checks and Balances in Protecting Americans' Privacy Rights (Part II). Testimony was heard from Michael McConnell, Director, National Intelligence; and Kenneth Wainstein, Assistant Attorney General, National Security, Department of Justice.

STATUE OF LIBERTY NATIONAL MONUMENT MANAGEMENT

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing entitled ''Management of the Statue of Liberty National Monument.'' Testimony was heard from Representatives Weiner and Sires; Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 2733, Trinity River Restoration Fund Act of 12007; and H.R. 2085, McGee Creek Project Pipeline and Associated Facilities Conveyance Act. Testimony was heard from Robert Johnson, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full Committee action the following bills: H.R. 2780, amended, To amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service; H.R. 1236, amended, To make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research; H.R. 2414, amended, Metropolitan Police Department and Fire Service Act of 2007; H.R. 3551, To reauthorize the Merit Systems Protection Board and the Office of Special Counsel, to modify the procedures of the Merit Systems Protection Board and the Office of Special Counsel; and H.R. 1110, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Committee on Rules: Granted, by a vote of 8 to 3, a structured rule. The rule provides 1 hour of general debate on H.R. 2761.Terrorism Risk Insurance Revision and Extension Act of 2007, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services, modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted. The bill as amended shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill as amended.

The rule makes in order only those further amendments printed in Part B of the Rules Committee report. The further amendments made in order in Part B 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 the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE RULES COMMITTEE

Committee on Rules: Granted, by a voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported through the legislative day of Wednesday, September 19, 2007, that provides for consideration of a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the post market authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

VA ASSESSMENT

Committee on Veterans' Affairs: Held a hearing on the state of the Department of Veterans Affairs. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Ordered reported the following bills: H.R. 3375, amended, To amend the trade adjustment assistance program under the Trade Act of 1974 for 3 months; H.R. 3640, Federal Aviation Administration Extension Act of 2007; and H.R. 3539, amended, Airport and Airway Trust Fund Financing Act of 2007.

FISA

Permanent Select Committee on Intelligence: Held a hearing on FISA. Testimony was heard from public witnesses.

BRIEFING—BIOLOGICAL THREATS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on current efforts against biological threats. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 19, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: business meeting to markup S. 1518, to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and H.R. 835, to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians, and an original bill entitled, ''FHA Modernization Act of 2007'', 10 a.m., SD–538.

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, to hold hearings to examine America's wastewater infrastructure needs in the 21st century, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Barry Leon Wells, of Ohio, to be Ambassador to the Republic of The Gambia, Robin Renee Sanders, of New York, to be Ambassador to the Federal Republic of Nigeria, Mark M. Boulware, of Texas, to be Ambassador to the Islamic Republic of Mauritania, James D. McGee, of Florida, to be Ambassador to the Republic of Zimbabwe, Ronald K. McMullen, of Iowa, to be Ambassador to the State of Eritrea, and Louis John Nigro, Jr., of Florida, to be Ambassador to the Republic of Chad, 9:30 a.m., SD–419.

Subcommittee on International Operations and Organizations, Democracy and Human Rights, to hold hearings to examine the Everglades, focusing on protecting natural

treasures through international organizations, 3 p.m., SD–419.

Committee on Indian Affairs: to hold hearings to examine the process of federal recognition of Indian tribes, 9:30 a.m., SD–628.

Committee on the Judiciary: Subcommittee on Human Rights and the Law, to hold hearings to examine the ''material support to terrorist organizations'' bar to admission to asylum and resettlement in the United States, focusing on the denial of refuge to the persecuted, 2:30 p.m., SD–226.

Committee on Rules and Administration: to hold a hearing to examine S. 1905, to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, 9:30 a.m., SR–301.

Committee on Veterans' Affairs: to hold hearings to examine the current state of affairs for information technology with the Department of Veterans Affairs, 9:30 a.m., SD–562.

Special Committee on Aging: to hold hearings to examine preparing for the digital television transition, focusing on how senior citizens will be affected, 10:30 a.m., SD–106.

House

Committee on Education and Labor, hearing on H.R. 1644, Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Protecting Children from Lead-Tainted Imports,'' 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Issues in Emergency Communications: A Legislative Hearing on H.R. 3403, 911 Modernization and Public Safety Act of 2007, and an Oversight Hearing of the Department of Homeland Security's Office of Emergency Communications,'' 10 a.m., 2322 Rayburn.

Committee on Foreign Affairs, hearing on Assessment of the Administration's September Report on the Status of U.S. Political and Military Efforts in Iraq, 10 a.m., 2172 Rayburn.

Subcommittee on the Western Hemisphere, to mark up H. Res. 651, Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation; followed by a hearing on U.S.-Brazil Relations, 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing and mark up of H.R. 3564, Regulatory Improvement Act of 2007, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, oversight hearing on Diversifying Native Economies, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2881, FAA Reauthorization Act of 2007, 3 p.m., H–313 Capitol.

Committee on Science and Technology, hearing on Bridge Safety: Next Steps to Protect the Nation's Critical Infrastructure, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing to examine the Small Business Administration's contracting programs, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Cruise Ship Security Practices and Procedures, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the findings of the President's Commission on Care for America's Returning Wounded Warriors, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, to mark up H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007, 10 a.m., 1100 Longworth.

Subcommittee on Income Security and Family Support, hearing on Unemployment Insurance to Reduce Barriers for Jobless Workers, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Hot-Spots, 8:45 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the evolution of an economic crisis, focusing on the subprime lending disaster and the threat to the broader economy, 9:30 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 19

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 1585, National Defense Authorization Act and after a period of debate, vote on the motion to invoke cloture on Levin (for Specter/Leahy) Amendment No. 2022 at approximately 10:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 19

House Chamber

Program for Wednesday: Consideration of H.R. 2761—Terrorism Risk Insurance Revision and Extension Act of 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Berkley, Shelley, Nev., E1905, E1906
Bishop, Sanford D., Jr., Ga., E1905, E1908
Bordallo, Madeleine Z., Guam, E1914, E1918
Brady, Robert A., Pa., E1911
Brown, Corrine, Fla., E1915
Carson, Julia, Ind., E1913
Chandler, Ben, Ky., E1920
Cleaver, Emanuel, Mo., E1911
Davis, Tom, Va., E1909
Ehlers, Vernon J., Mich., E1909
Farr, Sam, Calif., E1909
Garrett, Scott, N.J., E1910
Hastings, Alcee L., Fla., E1915
Johnson, Timothy V., Ill., E1909
King, Peter T., N.Y., E1908
Lewis, Ron, Ky., E1906, E1908
Lofgren, Zoe, Calif., E1908
Matheson, Jim, Utah, E1914
Murphy, Christopher S., Conn., E1912
Ortiz, Solomon P., Tex., E1910
Poe, Ted, Tex., E1913
Rangel, Charles B., N.Y., E1910
Renzi, Rick, Ariz., E1918
Sánchez, Linda T., Calif., E1909
Sestak, Joe, Pa., E1905, E1906, E1907, E1908
Shimkus, John, Ill., E1910
Smith, Christopher H., N.J., E1918
Towns, Edolphus, N.Y., E1905, E1906
Visclosky, Peter J., Ind., E1914
Yarmuth, John A., Ky., E1912
Young, Don, Alaska, E1913

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